

Agenda Item No. 3.1

DERBYSHIRE COUNTY COUNCIL
REGULATORY – PLANNING COMMITTEE

6 July 2020

Report of the Executive Director – Economy, Transport and Environment

- 1 CONSTRUCTION OF A NEW FOUR ARM ROUNDABOUT JUNCTION CENTERED ON THE A6 TO THE NORTH OF BUXTON, INCLUDING THE INITIAL LENGTHS OF ACCESS ROADS OFF THE ROUNDABOUT TO THE SOUTH-EAST**
APPLICANT: DERBYSHIRE COUNTY COUNCIL
CODE NO: CD1/0220/76

1.1500.2

Introductory Summary This report considers the application for the construction of a roundabout junction on the A6. The four arm roundabout junction would provide the required updated infrastructure at this junction point to safely serve both existing traffic and that generated by new planned development for three housing sites. These sites are Land at Hogshaw, Land at Tongue Lane (both identified in the High Peak Local Plan (HPLP) and the Waterswallows development, which benefits from outline planning permission. In addition, the roundabout would support the development of a 2 hectare (ha) employment land allocation identified in the HPLP and would provide a safer and more suitable access at the industrial estate. The application site covers an area of 3.2ha on the north-eastern edge of Buxton.

There would be considerable public economic and social benefits to the County/Borough and the immediate area from facilitation of expansion to the Tongue Lane Industrial Estate, and in bringing forward additional housing at allocated sites at Hogshaw and Tongue Lane, and the approved Waterswallows site (unallocated) for some 567 new homes.

There would be some impact upon the heritage assets, as the site is located within the Fairfield Conservation Area, which contains a number of listed buildings and non-designated heritage assets. Similarly, there would also be impacts upon landscape character.

Some of these impacts could be minimised through the imposition of conditions, although they would not prevent the impacts altogether. In determining planning applications, planning authorities must give special regard to the desirability of preservation of any affected heritage assets, including conservation areas and listed buildings and their settings. This report

has been produced having regard to the harm to the setting of the heritage assets which is associated with the application in this case, as well as the benefits that the roundabout junction would bring as infrastructure that would be required for future housing and employment land development in the locality.

It is considered that, in this instance, the application can be recommended for approval, subject to conditions on the basis that the value of the benefit is sufficient to outweigh the extent of the harm to the heritage assets affected which is considered to be less than substantial.

(1) **Purpose of Report** To enable the Committee to determine the application.

(2) **Information and Analysis**

Site and Surroundings

The application site covers an area of 3.2ha on the north-eastern side of Buxton, within the administrative area of High Peak Borough Council (HPBC). The site includes existing highways; the A6, Fairfield Road, Waterswallows Road and Cherry Tree Drive, and surrounding land including open grassed land and a small area of the High Peak Golf Course. The development site area extends from the A6 junction with Waterswallows Road, approximately 500 metres (m) east along Waterswallows Road; 450m north along the A6 and the western boundary follows the alignment of North Road and the curtilage boundary of the Devonshire Arms Public House. To the south and east of the development site is the residential area of Fairfield and the Tongue Lane Industrial Estate. To the west of the site are properties on North Road, with the Church of St Peter behind. A 13.7ha housing allocation site: (Land at Hogshaw, Buxton) is located further north-west of this. To the north and east of the site is the High Peak Golf Course and the land beyond is predominantly open countryside.

The site does not include any national or local ecological designations. The site is located within the Fairfield Conservation Area and there are nine Grade II listed buildings within a 500m radius of the scheme, five to south side of Waterswallows Road and four to the northern side of the A6, including the Church of St Peter.

The site lies within Flood Zone 1 and there are no waterbodies on the site. The site is located on land known locally as Fairfield Common. Applications were made in the early 2000's to formally classify the area as designated Common Land. This registration, however, was challenged and overturned by the High-Court. Prior to the applications in the early 2000's, the land, known locally as Fairfield Common, was provisionally registered as common land in the Register of Common Land. The associated application was, however,

withdrawn and the registration was never made final. Therefore, whilst the site is known locally as Fairfield Common, the site does not have designated Common Land status.

The Proposal

The application seeks planning permission for the construction of a four arm roundabout junction to provide the required updated infrastructure at this junction point to safely serve both existing traffic and that generated by the new planned development for three housing sites. These sites are land at Hogshaw, land at Tongue Lane (both identified in the HPLP) and the Waterswallows development which benefits from outline planning permission. In addition, the roundabout would support the development of a 2ha employment land allocation identified in the HPLP and provide a safer and more suitable access at the industrial estate.

The supporting planning statement submitted with the application indicates that the roundabout is intended to serve two main functions:

- 1) To provide a junction on the A6 allowing traffic to turn east and west off the A6, with the intention to alleviate some of the traffic issues caused by commercial vehicles which currently gain access to the Tongue Lane Industrial Estate via residential roads.
- 2) To provide access to the allocated development sites within the HPLP. The initial stretch of new access road to the east would potentially lead to the Waterswallows Farm site, the existing Tongue Lane Industrial site and the adjacent employment allocation site; and on the land west of Tongue Lane residential allocation site. The initial stretch of access road to the west of the roundabout would lead towards to the Land at Hogshaw residential allocation site.

The proposed roundabout would be 40m in diameter, including the carriageway, and would have four arms. The arms heading north and south from the roundabout would tie-in to the existing A6. The eastern arm would head in a south-easterly direction from the roundabout across Fairfield Common and the southernmost part of the High Peak Golf Course. This section of the proposed road crosses Waterswallows Road to the immediate west of Cherry Tree Drive, resulting in Waterswallows Road becoming a cul-de-sac. A turning head is proposed on Waterswallows Road to allow vehicles to manoeuvre back along Waterswallows Road towards Fairfield Road. The western arm is proposed to head in a north-westerly direction from the roundabout, it would then curve around passing between the northern boundary of the cemetery associated with St Peter's Church and to the south of the commercial property, Buxton 4x4 Ltd.

The scheme would require a realignment to the existing BOAT (Byway Open to All Traffic) which extends from Fairfield Road across the common and through the golf course. The new alignment of the bridleway would extend along the northern boundary of the east and west arms of the roundabout and a crossing would be included taking the bridleway over the A6 on the northern arm of the roundabout. A new combined cycleway/footway would also follow this same alignment as the bridleway. A footway would follow the southern boundary of the east and west arms of the proposed roundabout.

The scheme would require the redesigning of part of the High Peak Golf Course which is located adjacent to the site boundary. These works which require planning permission are subject to a separate planning application which has been submitted to HPBC.

Environmental Impact Assessment

Prior to submission of the planning application, a screening opinion request was made to the Council under the Town and Country Planning (Environmental Impact Assessment (EIA)) Regulations 2017. The Council's opinion was that this proposal is not EIA development and therefore the application does not need to be supported by an Environmental Statement.

Planning Application History

- HPK/0003/9366 – Erection of up to 330 dwellings with associated garaging, estate road, landscaping and open space (outline) – approved 9 August 2002 subject to a Section 106 obligation (18 July 2002). This application included a roundabout, albeit three arm, in the general locality, approximately 75m to the south of that proposed.
- HPK/2005/0539 Submission of reserved matters for residential development (12 units) on phase one, including temporary access – approved 2 March 2006. This reserved matters application has been partially commenced thereby keeping the outline approval HPK/0003/9366 extant which included a roundabout in the red edge attached to a Section 106 legal agreement on the outline permission HPK/0003/9366.
- HPK/0003/9365 – Construction of Fairfield Link Road – approved 23 November 2001 and subject to a Section 106 obligation (18 July 2002).
- HPK/2006/0605 – Variation of Condition 1 of full planning permission for HPK/0003/9365 to extend the time period for a further three years – approved 31 March 2009 subject to a Section 106 obligation (27 February 2008).
- HPK/2012/0097 - Application to Replace Extant Planning Permission For HPK/2006/0605 For New Variation Of Condition 1 – approved (subject to the signing of a Section 106) – 13 May 2013. Not yet signed, therefore the original permission for the link road has lapsed.

Consultations

Local Members

Councillor Grooby (Buxton North) and Councillor Kemp (Buxton West) have been notified.

High Peak Borough Council

HPBC has provided a combined single consultation response with regard to Planning, Built Conservation, Ecology, Environmental Health, Ecology, Trees and Regeneration. A separate consultation response has been received from the Head of Regeneration Services with regards to regeneration benefits of the proposal. The responses are outlined below:

Planning

Policy Background and Evidence

HPBC supports the planning application subject to conditions and the view of HPBC is as follows:

“Buxton is classified as one of five market towns in Policy S2 (Settlement Hierarchy) of the Local Plan which are deemed most sustainable for growth. The Buxton Sub-Area is earmarked for the highest proportion of housing growth of all three sub-areas in High Peak by Policy S3 (Strategic Housing Development). This is due to the relative self-containment of the town and range of local services. Policy S7 (Buxton Sub-Area Strategy) seeks “to establish Buxton as England’s leading spa town and consolidate its role as the principal service centre for the Peak District.” The delivery of housing is a critical component of achieving this policy objective.

The principle of the Fairfield Link Road has been established in successive Local Plans adopted in 1998, 2005 and 2016. The route is safeguarded by Policy S7 in order to enable to provide access to the following allocations in the Local Plan:

- *Tongue Lane employment land (2ha)*
- *Land west of Tongue Lane housing allocation (c.139 dwellings)*
- *Land at Hogshaw (c.124 dwellings)*

All three allocations are dependent on the new access to be provided off the A6 roundabout as advised by Derbyshire County Council. The two housing allocations equate to 32% of the total housing land supply on sites allocated in the Buxton area over the plan period to 2031.

In addition to the above, the A6 roundabout and phase one of the Fairfield Link Road had the benefit of planning consent during the preparation of the

2016 Local Plan alongside a permission for 330 additional dwellings at Waterswallows.

Since the adoption of the Local Plan, further investigation of the sites indicates that the following yields are more likely on the housing sites listed above:

- *Land west of Tongue Lane (also as known as Granby Road B) – 83 dwellings (on part of allocation with some capacity for further development)*
- *Land at Hogshaw (225 dwellings)*
- *Waterswallows (268 dwellings)*

The Fairfield Link Road is included in the Infrastructure Delivery Plan (2014) which supports the Local Plan. In recognition of the significance of the highways scheme to the delivery of housing in Buxton, the project is classified as “critical” to the implementation of the objectives and policies of the Local Plan. The project is also listed in the Derbyshire Infrastructure Plan (2013) as a potential scheme in the Borough.”

Housing and Employment Delivery

Since the adoption of the Local Plan in April 2016, the Council [HPBC] has maintained a five year housing land supply and has passed the first two rounds of the Government’s new Housing Delivery Test. However, whilst the Spatial Strategy directs the largest single proportion of housing development to the Buxton Sub-Area, the town has not delivered as many homes as other parts of the Borough to date. In part, this is due to the fact that two significant housing allocations in the town are wholly dependent on the development of the A6 roundabout and associated new access roads.

The latest five year land supply position statement, published by the HPBC in December 2019, demonstrates a supply of 5.37 years. The trajectory includes the development of the following number of homes on sites which are dependent on the A6 roundabout. Their inclusion in the land supply statement is predicated on the successful Housing Infrastructure Fund bid to enable the construction of the Fairfield Link Road roundabout:

- 128 completions on the Waterswallows site with permission between the years 2020-21 and 2023-24.
- 15 completions on the land West of Tongue Lane allocation in the year 2023-24.

The remaining capacity at both of these sites, plus the whole of the Hogshaw allocation, will feature in future updates to the housing trajectory.

It is of critical importance that the sites within the housing trajectory (and future updates to it) are delivered on time in order for the Council to continue

to maintain a five year housing land supply. Should this no longer be the case, the “tilted balance” would apply when the Council comes to determine planning applications for housing development. This increases the risk that speculative developments, that would not otherwise be supported, approved as relevant Local Plan policies can be considered out of date.

The development of the sites in question will also make a significant contribution towards achieving the required level of completions to pass future rounds of the Housing Delivery Test. As with the five year housing land supply, there are sanctions if housing delivery falls short. From November 2020, if delivery falls below 75% of the housing requirement, the tilted balance would again apply when the Council determines planning applications for housing.

In addition to housing growth, the A6 roundabout and related Fairfield Link Road will support the development of a 2ha employment land allocation identified in the Local Plan, as well as provide a safer and more suitable access for the existing adjacent industrial estate. The employment allocation is one of only three identified in Buxton and its development is required in order support the local economy.

The consultation response concluded that, “the link road is an important part of the overall planning strategy for Buxton, and the improvements needed to addresses access issues to the Tongue Lane Industrial Site, along with the new housing. The link road is safeguarded in the High Peak Local Plan. The scheme has previously been granted planning permission. Since the previous planning permissions the National Planning Policy Framework has been introduced which gives significant weight to the delivery of sustainable housing and economic development. Consequently, subject to consideration of the above matters, it is considered that the link road should be supported to enable to delivery of a strategic road scheme, to the benefit of residents and businesses within the locality and the delivery of new housing.”

High Peak Borough Council - Built Conservation

The HPBC Conservation Officer has not objected to the scheme and a summary of their comments is provided below:

Whilst the Link Road will alter the character and appearance of the Conservation Area, this road scheme has been proposed within three successive local plans despite the Conservation Area Status. The Conservation Area was designated in 1994, consequently any harm has already been acknowledged with the continued identification of the road as an important Local Road Scheme. In accordance with the NPPF, any harm to the heritage assets should be balanced against the significant public benefits of the scheme as outlined above.

The junction off the roundabout to the south-east will head along the approximate line of Cherry Tree Drive. This junction is particularly sensitive as it will sit directly alongside Cherry Tree Farmhouse and adjoining house (Grade II Listed). This part of the Conservation Area is a cluster of 17th & 18th century farmsteads arranged in courtyards at right-angles to Waterswallows Road where livestock could have easy access to The Common. There is also some 19th and 20th century infill of semi-detached larger Victorian houses which are larger in scale and size than the clusters of smaller scale farm buildings.

Additional comments of the HPBC Conservation Officer have been received with regard to submission of an addendum to the Heritage Impact Assessment and, (as required by their initial comment) Landscaping Plan. The comments received are (in summary):

“The revised landscaping drawing and accompanying addendum show that improvements have been made to screen the A6 with the introduction of an avenue of trees although I note that 3 proposed, informally sited trees have now been removed from the proposed road link to the SE. I feel that several informally placed trees are needed in this area to visually soften the vista and avoid over-emphasising the visual dominance of the A6 and its avenue of trees. The landscaping of this arm to the new road mustn't be disregarded.

Is there a need to have footpaths on each side of the carriageways? This will exaggerate the visual width of the road and I would ask whether footpaths are required on both sides in all areas?

The construction of a roundabout in this location is always going to be contentious given the proximity of designated heritage assets. All parties recognise that the proposal will cause less than substantial harm to the character and appearance of the Conservation Area and setting of several Listed Buildings. In accordance with the advice in the NPPF (para.196) this will need to be weighed against the public benefits of the proposal.”

High Peak Borough Council - Environmental Health Officer

The HPBC Environmental Health Officer (EHO) has raised no objections subject to conditions, and provided the following comments:

“The construction of the new road will create noise and general disturbance, particularly to those properties that face onto Fairfield Common. However, this disruption has to be balanced against the strategic benefits which the new road will bring to residents elsewhere, the delivery of new housing and the economic benefits to the Tongue Lane Industrial Estate. As with the previous consents, it is recommended that planning conditions be imposed to minimise, as much as possible, the impact on residential amenity, including a restriction

on working times, details to be provided to address noise and dust concerns, and a restriction on the hours for any piling.”

The EHO has reviewed the submitted Acoustic Report. The report identifies minor increases in noise from traffic flow at some sensitive premises. However, these increases are not significant and mitigation measures will not be required. The EHO has also reviewed the Contaminated Land Assessment and considers it to be acceptable, subject to the need for further (intrusive) work which is understood to be being undertaken.

The EHO provided comments in relation to the impact on air quality and has raised no objection, in principle, subject to submission of an Air Quality Assessment.

The applicant has, since the receipt of initial comments, provided an Air Quality Assessment and the EHO has been re-consulted. The EHO does not object to its findings or the application as proposed and provides the following comments:

“HPBC are in the process of declaring an AQMA [Air Quality Management Area] on Fairfield Road, for the exceedance of the annual mean nitrogen dioxide (NO₂). The EHO was concerned that the presence of the proposed scheme and associated developments may adversely affect the air quality in the proposed AQMA. As such, an air quality assessment was requested in support of the application.

The key conclusions of the report are accepted by the EHO that the impact on air quality as a result of the proposal would not be significant, neither would the impact of the proposed scheme combined with that of the allocated developments.”

High Peak Borough Council - Ecology

A Preliminary Ecological Appraisal and a Protected Species Appraisal has been submitted with the application. The mitigation measures and ecological enhancements recommended in the appraisals should be secured by way of conditions. It is recommended that the Derbyshire Wildlife Trust be consulted on the proposals.

High Peak Borough Council - Trees

HBPC's Arboricultural Officer has reviewed the Arboricultural Report. The report identifies eight mature trees to be felled to accommodate the roundabout. (T3, T9-T13, T15 and T16). There are some additional tree removals (G1) on the golf course land which are identified, but these are being considered as part of a separate planning application, ref. HPK/2020/ 0102. There are three other trees which may be affected but are shown to be retained – T7, T8 and T14.

The Arboricultural Officer is in agreement with the report in so far as it identifies the trees that need to be removed to accommodate the roundabout. However, there are concerns that the proposed mitigation to compensate for the tree loss is insufficient. The proposals are to plant 8 x 10cm-12cm standard trees. The landscaping plan shows that they are randomly placed within the scheme with no overall landscape vision or contribution to a sense of place and creating a suitable gateway to Buxton.

HPLP Policy EQ9: Trees, Woodland and Hedgerows requires that the replacement planting should be at least 2:1 ratio – two trees planted for each one felled, which should be semi-mature specimens which make an instant impact and are planted to a suitably high specification with appropriate ground preparation and tree pit construction. These should be sited so that they enhance the roundabout as a gateway to Buxton. If there are highway safety constraints, sightlines etc, which preclude adequate compensatory planting within the defined application area, there is ample opportunity to plant trees on the applicant's land adjacent to the proposals and/or on land under the control of HPBC. For example, by enhancing the existing avenue of trees along the A6 to the North.

Therefore, whilst in terms of tree loss the planning balance would be in favour of the proposals, the Arboricultural Officer objects to the scheme on grounds of inadequate mitigation for tree loss and lack of a coherent landscape proposal.

High Peak Borough Council - Regeneration

The Head of Regeneration Services supports the proposals and has provided the following comments:

“This infrastructure is required to provide access to housing sites allocated within the High Peak Local plan (April 2016). The roundabout is being funded by Homes England (HE) with a £2m grant from their Marginal Viability Fund – Housing Infrastructure Fund (HIF). This provides funding to unlock the potential of sites to bring forward housing development that would otherwise be unable to meet the costs of the new infrastructure.

Providing the roundabout and link roads is crucial in delivering policies within the Adopted Local Plan. This makes provision for the roundabout and link roads and recognises its requirement to access key development opportunities in Fairfield. Delivery of the infrastructure, will help unlock the allocated housing sites at (Hogshaw and Granby Road, and accelerate the development of a privately owned site at Waterswallows).

Access is a key constraint to development of these sites. The provision of this infrastructure allows a number of development sites to come forward within the Local Plan period and contribute towards meeting the Council's 5 year

housing supply and delivery. In addition, alternative access to Tongue Lane Industrial Estate removes industrial traffic from the existing residential road network and therefore provides enhanced environmental quality and reduces traffic congestion.

Delivery of the housing numbers (576) produces a number of economic benefits to the council as follows;

- *Council tax gain (Borough Council element) - £ 111,316 per year*
- *Annual spend - £5,226,985 per year*
- *Direct jobs created - 607 (construction and supply chain)*
- *Indirect jobs – 81 (shops and services)*
- *Affordable units – 92 units*
- *New Homes bonus - currently £1,670 pa for 4 years for each property (£2,020 pa for each affordable unit). However, the NHB scheme is likely to end in its current format on 31st March 2021, Government are currently considering a replacement scheme.*

The delivery of the roundabout and resultant homes plays a critical part in the Council's approved Accelerated Housing Delivery Programme (AHDP). This programme promotes accelerated housing delivery on sites identified in the Adopted Local Plan, through the following objectives:

- *Proactive delivery of housing on Council owned sites*
- *Working with developers/owners on stalled sites to help facilitate development*
- *Unlock potential funding streams through HE and D2N2 to aid viability and accelerate housing delivery.”*

Parish Councils

The site is within an unparished locality.

Highway Authority

The County Council, as Highway Authority, has no objections

However, it was suggested that minor modifications should be made with respect to the proposed turning facility on Waterswallows Road (in order to enable Large Refuse Vehicles of 11.6m length to manoeuvre within proposed highway) and the proposed shared cycle/footway in the vicinity of the Waterswallows Road/Fairfield Link Road junction (to demonstrate visibility sightlines and potentially reduce the width of carriageway to be crossed).

All areas falling in advance of any forward and exit visibility sightlines will need to be dedicated as highway on substantial completion of the works.

If the Council is minded to approve the proposals as submitted, it is suggested that conditions relating to construction management, visibility sightlines and lighting and signing are included within the permission.

Lead Local Flood Authority

The County Council, as Lead Local Flood Authority (LLFA), has no objections to the proposals subject to conditions requiring detailed drainage design and surface water management and maintenance plan; an assessment to ensure destination of surface water is directed towards the most appropriate water body; details indicating how additional surface water run-off from the site will be avoided during the construction phase; and a verification report of compliance with agreed plans/drainage strategy carried out by a qualified drainage engineer prior to commencement of occupation [albeit given the type of proposal this should be use].

Natural England

Raised no objection subject to appropriate mitigation being secured.

Natural England considers that, without appropriate mitigation, the application would:

- have an adverse effect on the integrity of the Peak District Dales Special Area of Conservation (SAC);
- damage or destroy the interest features for which the Wye Valley Site of Special Scientific Interest (SSSI) has been notified.

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required:

“As part of the Habitats Regulations Assessment (HRA), the Local Planning Authority (LPA) should ensure that there will be no harmful discharges of foul or surface water from the application site into the River Mease or its tributaries.”

Natural England advises that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Historic England

No comments received at time of writing.

The Coal Authority

No observations and has confirmed that the site does not fall within the defined coalfield; there is no requirement, therefore, to consider coal mining issues as part of this planning application.

Derbyshire Wildlife Trust

No comments received at time of writing.

Environment Agency

No objections. The proposed site lies fully within flood zone 1 and therefore has no fluvial flood risk concerns associated with the proposals. There are

also no other environmental constraints associated with the site and therefore confirm it has no further comment to make.

Severn Trent Water

No comments received at time of writing

Cadent Gas

No objections to the proposals, however, Cadent has identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

Electricity North West Limited

No comments received at time of writing

Publicity

Two rounds of public consultation have been undertaken in respect to the planning application.

With regard to the first consultation, site notices were placed at the site and immediate neighbours have been notified in writing. The application has been advertised by press notice in the Buxton Advertiser with a period for representations to be made up until 20 February 2020.

29 Individual representations have been received from the public. Of these, 28 do not support the application. One letter received is in a petition format with 10 signatures attached of residents of St Peter's Road objecting to the proposal and stating that they were not directly consulted in writing on the proposal. I am satisfied, however, that the correct consultation requirements have been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. One letter was received from HPBC Councillor Hall of Corbar Ward. One representation supports the application. In summary, comments received from the public with objections are:

- The roundabout will use land gifted by the Duke of Devonshire for, "*The free use and enjoyment of the people of Buxton*". The Council needs to consider whether there is any protective covenant on this land.
- Application made in 2003 to register the land as town or village green.
- This is open common land used by walkers, dog walkers and local children. Adequate hedging and planting will be required to prevent animals and children running into traffic. Lack of consideration for health and safety of residents of Fairfield.

- Buxton is being overdeveloped.
- Increase in noise from traffic generation.
- Increase in air pollution from exhausts of vehicles slowing at roundabout.
- The roundabout would not stop gridlock of traffic on Fairfield Road, and lead to congestion, just further up the road.
- This part of the Fairfield Road is a 'bottleneck' and risk to safety.
- No plans to improve social infrastructure such as schools, doctors, hospitals identified for wider housing development. The Council may have to pick up the need for increased services through rises in community charge.
- The roundabout should not be built until a bypass is in place north to south.
- If the roundabout was placed at a bypass to direct traffic from Dove Holes direction, then there may be a business case for it.
- The design of the roundabout is complicated.
- No more houses should be built until a bypass is in place.
- This will only move traffic further down the A6, along Fairfield Road.
- The roundabout will only increase traffic and hamper emergency services.
- An alternative route would be more appropriate, or build parts only required for new development to the north.
- Should be built along Batham Gate and pass Buxton Water.
- Should be built near Nestle Plant onto Dasymer Lane, onto Redgap Lane then down to Dove Lane.
- A demand led traffic controlled system would maintain better flow on the A6. The creation of a roundabout does not support the amount of traffic seen daily in the area. It is not suitable in this location. Traffic entering from the north would block it. A traffic controlled system would be more appropriate in this locality with various traffic crossing points.
- Failure to enable traffic to travel from this junction past Tongue Lane Industrial Estate and straight through to the A6 South of Buxton.
- Building on Green Belt land.
- Loss of green space.
- A new hotel is to be opened this year, this will add to the traffic.
- A toucan crossing point would add extra inconvenience to traffic flow.
- Residents on Waterswallows Road will be inconvenienced as extra traffic will use the A6 for the Recycling Centre.
- Does nothing to solve concerns for safety of drivers on Fairfield Road, who are put at risk driving north from Fairfield. The proposal shows a small change to Waterswallows Road by creating a cul-de-sac, however, no other consideration with regard to dangerous right hand turn manoeuvre across two lanes onto busy A6 (at Dakin Road/Waterswallows Road and Queens Road).
- Visual impact on listed buildings and conservation area, protected in Local Plan.

- Row of Old Fairfield Listed houses will be split up from each other even though in conservation area.
- Potential structural damage to properties included listed properties from HGVs; this should be mitigated.
- The benefits of the proposal do not outweigh the change to this special part of Fairfield; its attractive entrance to Buxton and Grade II listed buildings.
- Impact on Wildlife.
- Need assurances Pell's Dam water body will remain unaffected.
- Little benefit to existing residents is evident.
- Houses/residents affected by wider development coming forward should be consulted.
- How is access planned to the Golf Club?
- The proposal is confusing as other applications are coming forward for housing. All neighbours to housing sites should have also been consulted, as single proposal. Difficult to know if the roundabout proposal is appropriate not knowing the detail of future housing development.
- Where will construction vehicles be placed? - there is barely enough parking in the locality at the moment.
- With increase in HGV movements, how was a full Environmental Impact Assessment not considered appropriate?
- General visual amenity concerns.
- Property devaluation concerns as rural aspect diminished.
- Two spurs to the north may become dead ends, wasting money, and the development should link up to the Leek Road and to the south of Buxton on the A6.
- Irresponsible to ignore well-founded concerns about the viability of the wider residential development. Soil contamination, flooding to lower-lying areas of Lightwood Road and deep damage to the culvert channelling high volumes of water run-off. Should mitigation measures for the security of new residents and existing residents and businesses downstream prove uneconomic, potential developers will withdraw their interest. The westward stub road awaiting a developer's further investment will be redundant.
- It is suggested that the stub road be used as access to a park and ride facility as a potential re-purposing should the construction go ahead and the subsequent residential plans fail. This alternative use would also mitigate poor air quality and traffic volume on Fairfield Road, also raised as concerns by many respondents to the community consultation with regard to the roundabout.

The comments received from the member of the public in support of the application in summary are:

- The roundabout is an essential component of the delivery of the agreed Local Plan and is strongly supported.

A second round of publicity was undertaken upon receipt of additional information, including a revised landscaping plan, addendum to the Heritage Impact Assessment and Air Quality Assessment.

Site notices were placed at the site and immediate neighbours have been notified in writing indicating that additional information has been received. A press notice was again placed in the Buxton Advertiser, indicating that additional information has been received and providing a period for representations to be made up until 18 June 2020.

At the time of writing, sixteen additional representations from members of the public to the application have been received. 14 of these are opposed to the application. These largely reiterate comments made in the initial consultation/advertising, in summary:

- Impact on conservation area/green space and public amenity.
- Access to Common and Pell's Dam water body is referred to in "A short history of Fairfield", Charles H. Mycock, 1970.
- Impacts are permanent.
- General disturbance from construction, potential damage to property/cars.
- Will cause congestion/tail backs along Fairfield Road.
- Air pollution.
- No guarantee development sites will come forward.
- Planning for all of the developments and roundabout should be considered together as a single proposal.
- Cyclists and pedestrians are disadvantaged by longer routes planned around the roundabout - should provide island crossings in the scheme.
- Cycling and walking should be given higher priority.
- Public money would be better spent in the town.
- New link road would have its own impacts.
- The proposal is only connected to traffic flow for future development and not current traffic flow, which would not be relieved.
- Impact on local infrastructure-schools, doctors etc.
- Amended information submitted is not convincing.
- New road dissects conservation area.
- Need a bypass.
- Parking in town will worsen.

Two Comments have been received from "Buxton Town Team" who promote sustainable travel and support a Safer Walk & Ride Network which encourages walkers and cyclists away from the roads to travel safely to work, education and the town centre. Buxton Town Team's position is not to support or object to planning proposals however, in summary they are concerned that the current proposal discourages walking and cycling by deviating from the

existing natural straight line. They have suggested that the existing BOAT (Byway Open to All Traffic) be absorbed into the plans for the roundabout by providing a Toucan crossing at the southern arm of the A6 and a refuge at the new arm towards Tongue Lane.

Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. In relation to this application, the relevant policies of the development plan are contained in the policies of the adopted HPLP (2016). Other material considerations include national policy, as set out in the 2019 National Planning Policy Framework (NPPF), and associated Planning Practice Guidance (PPG).

The Development Plan

The objectives and policies of the HPLP that are most relevant to the development are:

Strategic Objectives:

SO1: To protect create and enhance the Green Infrastructure Network.

SO2: To maintain, enhance and conserve the Borough's distinct landscape characteristics, biodiversity, and cultural and historic environment.

SO3: To ensure new development is well designed, promotes local distinctiveness and integrates effectively with its setting.

SO4: To protect and enhance the character, appearance and setting of the towns and villages.

SO5: To address, mitigate and adapt to the effects of climate change on people, wildlife and places; promoting the safeguarding and prudent sustainable use of natural resources.

SO6: To welcome development that supports the sustainable growth and diversification of the local economy, including the mixed-use development of industrial legacy sites.

SO10: To protect existing, and support the delivery of new services, facilities and infrastructure that improve accessibility and connectivity.

SO11: To promote opportunities for healthy lifestyles and support developments that minimise risks to health.

NB: the Strategic Objectives above inform the policies below against which the application is assessed.

Policies

S1: Sustainable Development Principles.

S1a: Presumption in Favour of Sustainable Development.

S2: Settlement Hierarchy.

S3: Strategic Housing Development.
S4: Maintaining and Enhancing an Economic Base.
S7: Buxton sub-area strategy.
EQ1: Climate Change.
EQ2: Landscape Character.
EQ3: Rural Development.
EQ5: Biodiversity.
EQ6: Design and Place Making.
EQ7: Built and Historic Environment.
EQ8: Green Infrastructure.
EQ9: Trees, Woodland and Hedgerows.
EQ10: Pollution Control and Unstable Land.
EQ11: Flood Risk Management.
E2: Employment Land Allocations.
H1: Location of Housing Development.
H2: Housing Allocations.
CF3: Local Infrastructure Provision.
CF4: Open Space, Sports and Recreation Facilities.
CF6: Accessibility and Transport.
CF7: Planning Obligations and Community Infrastructure Levy.
DS17: Land at Hogshaw, Buxton.
DS18: Land West of Tongue Lane, Fairfield.
DS21: Tongue Lane (Land South of Tongue Lane Industrial Estate, Buxton).

Neighbourhood Plan

The site is within an unparished area and there is no adopted Neighbourhood Plan for this location.

National Planning Policy Framework

The NPPF sets out the Government's planning policies for England and how these should be applied. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, and the framework as a whole contains a presumption in favour of sustainable development. The term '*sustainable development*' is defined as '*meeting the needs of the present without compromising the ability of future generations to meet their own needs*'. The NPPF goes on to say that achieving sustainable development means that the framework has three overarching objectives - economic, social and environmental - which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

Those sections of the NPPF that are particularly relevant to this proposal are:

Section 2: Achieving sustainable development.
Section 6: Building a strong, competitive economy.
Section 9: Promoting sustainable transport.

Section 12: Achieving well-designed spaces.

Section 14: Meeting the challenge of climate change, flooding and coastal change.

Section 15: Conserving and enhancing the natural environment.

Section 16. Conserving and enhancing the historic environment.

The Principle of the Development

The NPPF promotes sustainable development through overarching economic, social and environmental objectives. Paragraph 72 of the NPPF states that the supply of large numbers of new homes can often be best achieved through planning for larger scale development, provided that they are supported by the necessary infrastructure and facilities.

The roundabout junction is considered to be an important infrastructural key element to support the planned strategic housing and employment land developments, as well as the approved Waterswallows housing development.

Paragraph 80 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Paragraph 82 of the NPPF advises that planning policies and decisions should recognise and address the specific locational requirements of different sectors.

The principle of the proposed development is clearly supported by the current allocation of a roundabout within the general locality within the HPLP. The Policies Map of the adopted HPLP identifies a roundabout, albeit approximately 50m to the south of that proposed. The roundabout in the Policies Map shows that the roundabout would be positioned on the A6, as part of a proposed link road heading north-west to the allocated Hogshaw residential site, and also to the south toward the Waterswallow's approved housing development and Tongue Lane housing and employment land allocations. The allocation in the HPLP also shows that the link roads from the roundabout cross Fairfield Common.

The roundabout would largely be outside of the boundary settlement edge and in open countryside as identified in the HPLP. However, a significant portion of the southern arm toward Waterswallows Road would be within the settlement boundary. None of the site lies within designated Green Belt land.

Policy S2: Settlement Hierarchy of the HPLP directs development on a priority basis towards market towns first, then large villages, small villages and lastly to rural areas. Policy EQ3: Rural Development of the HPLP restricts development outside the settlement boundaries and sites allocated for development as defined on the Policies Map. Given that a roundabout with link roads is identified in the Policies Map in the general locality to that proposed, whilst much of the proposal is in the open countryside, I consider

that the proposal would be in accordance with policies S2 and EQ3 of the HPLP.

Policy S3: Strategic Housing Development and Housing Land Supply and Distribution of the HPLP identifies planned housing figures for HPBC, including Buxton, over the period 2011-2031. The total planned provision identified in Policy S3 for Buxton over this period is 1,136 - 1,526 units. Of these, land at Hogshaw is identified in the HPLP for provision of approximately 124 dwellings (under Policy DS17: Land at Hogshaw, Buxton) and land west of Tongue Lane housing allocation for approximately 139 dwellings (under Policy DS18: Land West of Tongue Lane, Fairfield).

The roundabout would provide important infrastructure towards meeting the allocation targets set out in the Local Plan, and would therefore accord with Policy S3.

Since the adoption of the Local Plan, HPBC has confirmed that further investigation of the sites indicates that the following yields are more likely on the allocated housing sites listed above:

- Land west of Tongue Lane (also as known as Granby Road B) – 83 dwellings (on part of allocation with some capacity for further development)
- Land at Hogshaw (225 dwellings)

In addition, the extant planning permission for 300 dwellings at the Waterswallows development, although not allocated in the HPLP, is likely to yield approximately 268 dwellings. The roundabout, as proposed, would therefore provide infrastructure for improved access towards these sites and a total combined number of approximately 576 new homes.

Policy DS17: Land at Hogshaw, Buxton, of the HPLP allocates a 13.7ha site for residential development. The pre-text to this policy states that, "*The Local Plan proposes a new roundabout at Fairfield Common which lies within the Fairfield Conservation Area. Potentially, this roundabout would serve both the Hogshaw development, and further development in Fairfield*".

Policy DS17 requires that development coming forward for the allocated Hogshaw housing site should, amongst other criteria, be subject to the "*Provision of a new vehicular access from the A6 at Fairfield Common and highway improvements as identified by a Transport Assessment.*"

The proposal would provide a new access point to the allocated housing site and is therefore in accordance with Policy DS17. The proposal would greatly assist in bringing the allocated housing site forward.

Policy DS18: Land West of Tongue Lane, Fairfield, of the HPLP allocates a 7.16ha site for residential development.

Policy DS18 requires, amongst other criteria, developer contributions towards the provision of infrastructure, in particular, the new Fairfield Link road, public transport provision, commuted sum to Education Authority, and other community services and needs as required. This would be a matter, however, for HPBC to consider with regard to any applications relating to housing coming forward for this site.

The application under consideration now relates to the roundabout and spur/arm roads coming off that, which would broadly align with the overall allocation in the HPLP as part of the wider Fairfield Link Road allocation. The southern arm of the roundabout would provide a new junction from the A6 toward Waterswallows Road, from which Tongue Lane can be accessed via existing local routes. The plan as submitted includes a turning head at Waterswallows Road, in anticipation of the remaining Fairfield Link Road being brought forward in future, as identified in the HPLP. The roundabout junction as proposed on the A6 would provide an important element of infrastructure required towards the realisation of development of the allocated housing site and the Fairfield Link Road as identified in the HPLP. The proposal is therefore considered to be in accordance with Policy DS18.

Policy DS21: Tongue Lane (land south of Tongue Lane Industrial Estate), Buxton of the HPLP allocates land amounting to 2ha for B1b/c, B2 and B8 use. Development of this site is subject to a number of criteria, including provision of the Fairfield Link Road through the site. Policy S4: Maintaining and Enhancing an Economic Base of the HPLP identifies land in the support of economic development, which the planned Tongue Lane Industrial Estate extension is part of. Policy E2: Employment Land Allocations of the HPLP similarly identifies an area of 2ha for this purpose. Whilst the entire link road does not form part of this application, the proposed roundabout is part of that identified in the HPLP which would assist in facilitation of further development of the link road coming forward. In this regard, the proposal is considered to be in accordance with policies DS21, E2 and S4 of the HPLP.

Policy S7: Buxton sub-area strategy of the HPLP, states that HPBC and its partners will seek to establish Buxton as England's leading spa town and consolidate its role as the principal service centre for the Peak District.

The pre-text to this policy state that "the Fairfield Link Road would be required to provide suitable access to development opportunities in Fairfield. This road would also address the environmental and traffic problems currently caused by heavy goods and other commercial vehicles which pass through the residential streets to serve the Tongue Lane Industrial Estate. The road would enable housing growth and the extension of the industrial estate. A new road

is also required to provide suitable access to the housing development opportunity at Hogshaw. Both new roads would link to the A6 at Fairfield Common.”

It is identified in Policy S7, amongst other criteria, that the sub-area strategy will be achieved by safeguarding the route of the proposed Fairfield Link Road as identified on the Policies Map. The road would provide access to new developments at Hogshaw and Fairfield. The road would be funded by developer contributions. In order to assist in meeting this aim, the roundabout, as proposed, would assist in facilitation of some of the initial infrastructure to enable future development of allocated housing sites and employment site, whereby developers would be required to provide funding under this policy in order to deliver the wider Fairfield Link Road, outside of the application site. The proposal is considered to be in accordance with Policy S7 of the HPLP in this regard.

The proposed roundabout, as supporting infrastructure to future development in Buxton, is intrinsically linked to the strategic vision under the HPLP of delivery of the Hogshaw and Tongue Lane housing allocations, in the maintenance of a five year housing supply, and in meeting economic objectives through the planned extension of Tongue Lane Industrial Estate. In this regard, the proposal is considered to accord with policies HS1, HS2 and E2 of the HPLP.

Policy CF3: Local Infrastructure Provision of the HPLP has some relevance in that it states *“The release of land for development will be informed by capacity in the existing local infrastructure to meet the additional requirements arising from new development. Suitable arrangements will be put in place to improve infrastructure, services and community facilities, where necessary.”*

One of the criteria identified to meet this aim of Policy CF3 is *“Securing new transport infrastructure, including for walking and cycling that help to address traffic congestion issues and support growth identified in the Local Plan. Improvements should encourage modal shift from the private car where possible.”*

Whilst individual applications for the housing sites and employment uses coming forward to HPBC will have to comply with this policy, the proposal under consideration under this application for the roundabout would clearly assist in meeting the requirement for new transport infrastructure. The roundabout is intended not only to assist in traffic congestion issues through the provision of an arm leading to the planned remainder of the Fairfield Link Road, but also includes a shared pedestrian and cycleway, and separate equestrian link, to provide for alternative modes of transport in compliance with Policy CF3.

It is noted that representations made by the public include concern for the loss of green space, which is used by walkers/joggers, etc. Footpath, cycleway and equestrian links would be provided, however, and a substantial area accessible to the public would be maintained.

I consider that the proposal in providing important infrastructure to support future development would reflect the strategic objective SO10 of the HPLP “*To protect existing, and support the delivery of new services, facilities and infrastructure that improve accessibility and connectivity.*”

There is a complex planning history relating to the site, concerning previous planning applications considered by HPBC which have, in part, included details of a roundabout, in a similar general locality to that proposed. Outline Planning Permission HPK/0003/9366 (The Waterswallows Development) – for the Erection of up to 330 dwellings, (approved 9 August 2002), remains extant by virtue of partial implementation of reserved matters application HPK/2005/0539 for 12 residential units (approved 2 March 2006). The outline permission includes a roundabout in the red edge plan attached to a section 106 legal agreement for HPK/0003/9366, which includes a roundabout, albeit 3 arm, in the general locality, approximately 50m to the south of that proposed.

Furthermore, application HPK/0003/9365 – Construction of Fairfield Link Road (approved 23 November 2001) also included a three arm roundabout in the general locality. This permission was not implemented and subsequent variations to the permission have also exceeded time limits for implementation.

Whilst it is noted that the roundabout within these approved applications was of three arm design (rather than four arm as is currently proposed), and slightly further south than that under consideration now, it is considered that these decisions are of considerable weight in favour of the application, particularly the extant outline housing Planning Permission HPK/0003/9366, and in establishing that the principle of the development is acceptable.

There are considerable economic and social benefits to the County/Borough and the immediate area from facilitation of expansion to the Tongue Lane Industrial Estate, in bringing forward additional housing at allocated sites at Hogshaw and Tongue Lane, and the approved Waterswallows site (unallocated). These benefits, as identified in consultation with HPBC, include:

Delivery of the housing numbers (576) produces a number of economic benefits to HPBC as follows:

- Council tax gain (Borough Council element) - £111,316 per year
- Annual spend - £5,226,985 per year

- Direct jobs created - 607 (construction and supply chain)
- Indirect jobs – 81 (shops and services)
- Affordable units – 92 units
- New Homes Bonus (NHB) - currently £1,670 per annum (pa) for four years for each property (£2,020 pa for each affordable unit). However, the NHB scheme is likely to end in its current format on 31 March 2021. Government is currently considering a replacement scheme.

The benefits outlined above are a significant consideration in favour of the principle of the development.

HPBC is of the opinion that the principle of the Fairfield Link Road has been established in successive Local Plans adopted in 1998, 2005 and 2016, although I am mindful that only significant weight should be applied to the current Adopted Local Plan.

The Fairfield Link Road, which the roundabout is part of, is included in the Infrastructure Delivery Plan (2014) which supports the HPLP. In recognition of the significance of the highways scheme to the delivery of housing in Buxton, the project is classified as “critical” to the implementation of the objectives and policies of the Local Plan. The project is also listed in the Derbyshire Infrastructure Plan (2013) as a potential scheme in the Borough.

HPBC has identified the strategic importance of the roundabout as infrastructure required to bring development forward and thereby assisting in housing delivery and maintenance of a five year housing supply. The development of the sites in question will also make a significant contribution towards achieving the required level of completions to pass future rounds of the Housing Delivery Test.

There is clear support in the HPLP for the Fairfield Link Road and for a roundabout in the general locality to that proposed. Facilitating the roundabout as part of the Fairfield Link Road is crucial in delivering the policies outlined above within the HPLP. Whilst the position of the roundabout as identified in the plan varies slightly from that proposed, I am of the opinion that the proposal is in the spirit of the allocation in the HPLP and does not, therefore, constitute a departure from the Plan.

Policy CF4: Open Space, Sports and Recreation Facilities of the HPLP states that the Council will seek to protect, maintain and, where possible, enhance existing open spaces, sport and recreational buildings and land including playing fields in order to ensure their continued contribution to the health and well-being of local communities.

Amongst other criteria, the policy states that this will be achieved resisting any development that involves the loss of a sport, recreation, play facility or

amenity green-space except where it can be demonstrated that alternative facilities of equal or better quality will be provided in an equally accessible location as part of the development, or the loss is associated with an alternative sports provision that would deliver benefits that would clearly outweigh the loss, or an assessment has been undertaken to demonstrate the facility is surplus to requirements.

The pre-text to Policy CF4, however, indicates that The Peak Sub-Region Open Space, Sport and Recreation Study 2009 identified no current significant deficiencies for open space in settlements in the plan area.

The roundabout would remove an area of amenity green space on the developments footprint. I am satisfied, however, that given there is not a significant deficiency of green space in the Plan Area, as demonstrated in the Peak Sub-Region Open Space, Sport and Recreation Study 2009, that the comparatively minor loss of amenity green space on the footprint of the development (the substantial area of Fairfield Common remaining undeveloped and accessible), would be surplus to requirement. I am also mindful of the allocation of a roundabout in this general locality within the HPLP.

Mitigation works are required to the Buxton and High Peak Golf Course in response to the proposed construction of the Hogshaw/Fairfield roundabout and associated link roads mainly in the vicinity of the current 10th hole. A planning application HPK/2020/0102 is currently under consideration by HPBC in this regard. Access to the Golf Club House would remain on Waterswallows Road, but would be served by the southern arm of the proposed roundabout.

The existing golf greens at the 10th and 14th holes are to be reconstructed and tee points, general landscaping and golf course altered throughout the course. Whilst the course is to be redesigned, the scale of the new greens would be comparable to the existing. Given this, I am satisfied that there would be no significant impact/loss of the provision of the golf course as a sporting provision in the context of Policy CF4 of the HPLP.

Given the identification of the link road including a roundabout in the HPLP; effective demonstration of compliance with the NPPF and HPLP, as outlined above; the previous planning history to the site including a roundabout approved in the general locality of Fairfield common; the significant economic and social benefits to come forward to unlocking the development sites identified and in assistance in housing delivery; I consider that the principle of the development is both established and is acceptable.

The acceptability of the scheme in the planning balance must be considered further, however, against planning policy and the merits of the application in the following respects:

- Landscape.
- Highways.
- Heritage.
- Archaeology.
- Ecology.
- Drainage.
- General Amenity Issues
- Climate Change

Landscape

Paragraph 127(c) of the NPPF requires that planning decisions are sympathetic to local character, including the surrounding built and landscape setting, whilst not preventing or discouraging appropriate innovation or change. Policy EQ2 of the HPLP seeks to *“protect, enhance and restore the landscape character of the Plan Area for its own intrinsic beauty and for its benefit to the economic, environmental and social well-being of the Plan Area”*.

Policy EQ3: Rural Development of the HPLP, states that *“the Council will seek to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment and the setting of the Peak District National Park whilst also facilitating sustainable rural community needs, tourism and economic development.”*

Policy EQ6: Design and Place Making requires that all development should be well designed and of a high quality that responds positively to both its environment and the challenge of climate change, whilst also contributing to local distinctiveness and sense of place. This will be achieved by (amongst other criteria):

“Requiring development to be well designed to respect the character, identity and context of High Peak's townscapes and landscapes”.

Fairfield Common is not within the Peak District National Park (PDNP), however, or any other landscape designation. It is an area of urban fringe and is largely open grassland on the periphery of north-east Buxton.

Fairfield Common forms part of the wider Plateau Pastures Landscape Character Type of the White Peak National Character Area, as described in the ‘Landscape Character of Derbyshire’ publication; an adopted document of the County Council. Although somewhat atypical of the wider landscape character, in that it is not enclosed by dry stone walls, it does convey the

same sense of openness and scale of this upstanding limestone plateau with views out to the surrounding hills. Although now largely occupied by Buxton Golf Club, the Common still forms a very sharp interface between the built and rural environment. The value of this somewhat distinctive area of landscape is reflected in its inclusion within the Fairfield Conservation Area CA, where it is referred to as Fairfield Common (Area 3).

Fairfield Common has been previously divided by the A6 Manchester to Buxton road which runs through the centre and is roughly lined with mature trees. The site lies close to the existing built edge of Fairfield. The siting of the roundabout in the general locality, as identified in the HPLP, would ensure that the majority of the area of Fairfield Common, which is located to the north of the site, would remain appreciable as an uninterrupted open space, reducing the impact upon the character and appearance of the landscape.

The introduction of a new roundabout, as well as the intensification of other highway infrastructure such as lights and signage as proposed, would have an adverse impact on the character and landscape values associated with Fairfield Common. However, I am mindful that these are requirements under the separate Highways regulations and that, with appropriate landscaping mitigation, the public benefit of the roundabout would outweigh these impacts.

Direct impacts on existing trees have been identified in an Arboricultural Impact Assessment (AIA) and these are proposed to be mitigated through the planting of an equivalent number of selected standard trees. The AIA indicates that the construction of the roundabout would necessitate the removal of a minimum of five trees along the A6 and three trees at the location of the junction of Cherry Tree Drive and Waterswallows Road. Three trees located at the extremities of the roundabout Arms 1 and 3 have potential to be affected by the works as do a group of trees within the golf course adjacent to Arm 2. The HPBC policy context (Policy EQ9) is that trees should be replaced at a ratio of 2:1.

A revised initial landscaping plan submitted proposes a design that would reflect the continuation of an avenue of trees along the A6 at the point of the roundabout. This would include the planting of 24 new trees. Ten of these trees would be planted either side of Arm 1 on the northern approach to the roundabout and 14 trees would be planted either side of Arm 3, the southern arm of the A6 on Fairfield Road.

This would be over and above the required ratio of replanting at 2:1 (8 lost, 24 planted) and, in this context, the proposal is considered to comply with Policy EQ9 of the HPLP.

The continuation of the avenue of trees would help to mitigate any impact to the landscape and additional planting detail would be fine-tuned through the

imposition of planning condition to agree final landscaping detail to further mitigate visual impact.

With conditions requiring suitable root protection areas for trees to be retained, this would assist in mitigation of any adverse impact upon the landscape.

On balance, it is considered that there would be a level of impact upon the character of the landscape, and that there would be some conflict with policies EQ2 and EQ3 of the HPLP in regard to the requirement to “*protect, enhance and restore the landscape character*”. I have recommended additional conditions that would require further detailed landscaping proposals to be submitted and details for the protection of trees to be retained, which would provide further enhancements and mitigation. The impacts are duly acknowledged in the “planning balance”. It is considered that the scheme as proposed, however, has (given the constraints of the site) been designed with the intention, as far as is practically possible, to respect the character, identity and context of the landscape, in accordance with the requirement of Policy EQ6 of the HPLP.

Whilst the Council has a duty to consider the application before it, a number of alternative designs have been considered by the applicant including one which was based on a gyratory system which was discounted given the probability of an even greater impact upon landscape character, and the greater amount of highway signage, lighting and visual ‘clutter’ required to achieve such a design. In the evolution of the design submitted, I am of the opinion that the proposed application presents a workable design and shows that consideration has been given to limit the impact as much possible upon the landscape character, whilst adhering to highway regulations and the requirement for a roundabout junction in this locality as identified in the HPLP.

It is unlikely that any scheme for a junction in this locality would have no impact upon the landscape character. I am satisfied that the revised landscape plan to incorporate an avenue of trees reflective of that situation further along the A6 approach would provide some mitigation of visual harm to character of the landscape. I am of the opinion that this, in addition to further mitigation through detailed landscape design, would reduce the potential visual impact upon landscape character, and go a considerable way towards its protection and restoration (through for example additional tree planting to accentuate the avenue of trees seen on the approach of the A6 to the site). I do not consider that the scheme would, however, enhance the landscape character, I also consider it unlikely that any alternative design, given the man-made infrastructural elements of the development type, would either enhance the natural character of the landscape or meet the requirement of policies EQ2 and EQ3 of the HPLP in this regard.

The public benefits of the proposed roundabout are, however, considered to outweigh the harm of likely impact upon the wider landscape that would result from its development. I am also mindful of the allocation for a roundabout in the general locality within the adopted HPLP, and the establishment of the principle of a roundabout in the locality through an extant outline planning permission. In this regard, the proposal is considered to be in general accordance with Paragraph 127(c) of the NPPF which requires that planning decisions are sympathetic to local character, including the surrounding built and landscape setting, “*while not preventing or discouraging appropriate innovation or change.*”

Highways

Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policies DS17, DS18, DS21, S7 and the identification of a roundabout in the Proposals Map, all support the development of the Fairfield Link Road, of which the roundabout would be part.

Policy CF 6 of the HPLP requires proposals to support transport infrastructure by (amongst other criteria):

“promoting the maintenance and introduction of appropriate facilities to support cyclists, pedestrians and horse riders, ensuring that development supports the use of local cycleway and pathway networks to improve choice of travel and ensuring safe access to developments on foot and by bicycle.”

A number of representations received from the public have suggested alternative designs, or a bypass. However, the Council has a duty to consider the application made before it.

The proposal is in accordance with Policy CF6 of the HPLP, which requires proposals to support the transport infrastructure by (amongst other criteria):

“promoting the maintenance and introduction of appropriate facilities to support cyclists, pedestrians and horse riders, ensuring that development supports the use of local cycleway and pathway networks to improve choice of travel and ensuring safe access to developments on foot and by bicycle.”

It is considered that the proposed scheme would provide a safe and convenient environment for pedestrians and cyclists as it incorporates provision of shared user cycle/footways, designated footpaths and a bridleway. Road crossing points have also been incorporated into the scheme design.

A Junction Assessment Report has been submitted in support of the application. The report assesses the performance of the roundabout junction, using flows recorded from a manual classified count (a count of traffic at the junction of the A6 and Waterswallows Road, taken over a 12-hour period) and then with the application of background traffic growth to 2032 (including projected traffic increases from the developments coming forward). The results of the junction assessment show that the junction would operate within capacity in the forecast period. Individual Transport Assessments would be required by HPBC as separate planning applications for each of the planned development scheme comes forward.

Representations from the public stating that the roundabout would lead to backing up of traffic on Fairfield Road are noted as is the suggestion for separate demand led signal controlled junction. However, as indicated above, the Junction Assessment Report indicates that the proposal would safely manage traffic of current and future levels, and the Council has a duty to consider the scheme before it.

The Highway Authority has raised no objections to the proposals and has suggested that minor modifications should be made with respect to the proposed turning facility on Waterswallows Road (in order to enable Large Refuse Vehicles of 11.6m length to manoeuvre within proposed highway). The revised landscaping plan now shows this minor detail change and a condition that all other plans are revised in accordance with this is recommended.

Additional recommended highways conditions include requirement of details to be agreed for construction area for plant and materials; for visibility splays to be incorporated as highways land for maintenance purposes; and for details of lighting and signage to be agreed

Subject to conditions based on those suggested within the response from the Council, as Highway Authority, the application is considered to be in general accordance with the provisions of national and local planning policy identified with regard to highway considerations, as set out above.

Heritage

The proposed roundabout and access road are located within the Fairfield Conservation Area (designated 1994). The application is supported by a Heritage Impact Assessment (HIA) and an addendum to the HIA has also been received. The addendum was produced to identify mitigation measures following receipt of more detailed design of the roundabout junction. The site is considered to be within the setting of a number of properties in the conservation area which are grade II listed.

The HIA identifies that within a 1km search radius of the site, there are 18 Listed Buildings, two further Conservation Areas and 14 non-designated built

heritage assets. The HIA focuses on the Fairfield Conservation Area and heritage assets which are 'inter-visible' with the site, and which therefore the development may have an impact upon their setting.

To the west of the site is the Grade II listed Church of St Peter and parts of the church, including the tower, are inter-visible with the site. There are a number of other Grade II Listed Buildings which are inter-visible with the site. These are located within the Fairfield Conservation Area on St Peter's Road and to the southern side of Waterswallows Road, and include Fairfield Vicarage; Numbers 1, 2 and 3 Old Hall Cottages (Foxes Yard), Cherry Tree Farmhouse and adjoining house; Yhelt Cottage; and Dakin Cottage and attached garden wall. The HIA, as submitted, identifies Nunsfield Farm (to the north of the Church of St Peter) as a non-designated heritage asset.

It is recognised that, given the site is wholly within the Fairfield Conservation Area, within the setting of a number of listed buildings and a non-designated heritage asset, that there would be some impact upon these heritage assets.

Concerns have been raised by members of the public as outlined above with regard to impact upon the conservation area and listed buildings.

Whilst a character appraisal document exists for the Fairfield Conservation Area, HPBC has confirmed the document, which was produced in 1994, was not adopted as a Supplementary Planning Document (SPD) and that it is intended to provide a brief outline of the character of the conservation area.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in the determination of this application, '*special regard*' is had to '*the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.*'

For development within a Conservation Area, Section 72 of the Act requires that decision maker to pay '*special attention [...] to the desirability of preserving or enhancing the character or appearance of that area*'. The duty to give special attention is considered commensurate with that under Section 66(1) to give special regard, meaning that the decision maker must give considerable importance and weight to any such harm in the planning balance.

Paragraph 190 of the NPPF expects local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).

Paragraph 193 of the NPPF, requires that when considering the impact of a proposed development on the significance of a designated heritage asset,

great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 195 of the NPPF states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, (or certain listed criteria apply).

Paragraph 196 provides that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its [the asset's] optimum use.

Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The HIA and addendum received concludes that the proposed development of the site would cause less than substantial harm to the significance of the Church of St Peter, Cherry Tree Farmhouse and the Fairfield Conservation Area [thereby including the other listed buildings identified within the designation] through the loss of its present undeveloped state. The significance of Nunsfield Farm has been demonstrated to be low and this will be considered against the scale of harm or loss from the proposed development in accordance with Paragraph 197 of the NPPF. The scale of harm to the non-designated heritage asset Nunsfield Farm could also be reduced through the application of appropriate mitigation measures.

The HIA indicates that impacts could be partially mitigated through the design of the scheme and it is therefore likely that the level of harm to these heritage assets would be towards the lower end of the less than substantial harm spectrum, with the impact on Cherry Tree Farmhouse likely to be moderate.

The comments of the HPBC Conservation Officer indicate that the development is likely to cause less than substantial harm to the heritage assets affected.

Mitigation put forward to reduce the level of impact upon heritage assets and their setting are outlined in the HIA addendum.

The size of the roundabout has been established such that it has the smallest feasible footprint in terms of area, whilst still having sufficient capacity to accommodate future traffic. Hence, in terms of area coverage within the public open space of the conservation area, the space occupied by the roundabout is minimised as much as possible. Alternative options regarding the location of the roundabout were considered and the proposed location was assessed to have the least overall impact on surrounding houses along North Road and Waterswallows Road proximity to heritage assets and the potential alignment of the Roman Road and possibly contaminated land at the former tip site.

It is proposed that an avenue of trees to replicate/reinstate the existing avenue of trees is planted along the A6. Mature/semi-mature trees would be used (species and accurate spacing would be subject to discussion and Planning Condition). There would, however, need to be a suitable set back from the carriageway edge of the A6 and the roundabout, such that visibility is retained for drivers and pedestrians. This avenue of trees would provide visual screening of the A6 and some of the roundabout and be reflective of the current tree formation and alignment.

Alternative surface materials would be used in parts (non-bituminous bound material) and would be proposed for the equestrian route and the footway on the south-west side of link road (the detail of which would be subject to planning condition) to retain the character of the area and minimise any urbanising affect.

Having regard to the nature of the loss of openness and the urbanisation of the existing urban- fringe/semi-rural character of the locality which is associated with this application, I am of the opinion that the construction of the roundabout would harm the setting of the listed buildings, conservation area and setting of the non-designated heritage asset Nunsfield Farm. However, I am also of the opinion that the level of harm would be '*less than substantial*'.

The proposal is also assessed in consideration of Policy EQ7 of the HPLP, which states that *"The Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment in accordance with sub area strategies S5, S6 and S7."*

I am of the opinion that, whilst there would be an impact upon the heritage assets identified, these are likely to lead to less than substantial harm, (a view also expressed by the HPBC Conservation Officer) and mitigation has been demonstrated, that the assets would be conserved in a manner appropriate to their significance in accordance with Policy EQ7.

Whilst I am of the view that the current significance of the heritage assets would be sustained as a result of the development, I do not believe, however, that the significance of these assets would be *enhanced* as a result of the development. The proposal is partially contrary to Policy EQ7 in this regard. The development proposals are unlikely to contribute positively to the character of the built and historic environment, however, they do align with Policy S7, which supports the Fairfield Link Road development.

The proposals would also be contrary to Paragraph 192(c) of the NPPF in so far as it is not considered that the development would make a positive contribution to local character and distinctiveness.

I do not dispute that the 'harm' to the setting of the conservation area, the listed buildings, and non-designated heritage asset. This harm would be to a 'less than substantial' scale, whilst remaining a consideration of great weight. I regard the public benefits to be delivered by this proposal (as outlined earlier in this report) as being a factor of sufficient weight to justify a positive recommendation of the application, even having special regard to the desirability of preservation of the setting of the listed buildings (as required by Section 66), and conservation area (Section 72) and having regard to the other impacts associated with the development as referred to in this report.

I note the comments received from a member of the public concerned of potential structural damage to listed properties from HGVs. However, I am mindful that the vehicle restriction on Waterswallows Road would not change as a result of the application under consideration now at 7.5 tonnes and for deliveries only. Additional vibration survey work may be required by HPBC when the application for remaining parts of the Fairfield Link Road come forward for their consideration, or should the restrictions be proposed to be changed through the Traffic Regulation Order process.

Archaeology

Paragraph 189 of the NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 199 of the NPPF states that local authorities should require developers to record an advance understanding of the significance of any

heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

Policy EQ7 of the HPLP requires that all works that could impact on a heritage asset or its setting or sites, with the potential to include assets, to be informed by a level of historical, architectural and archaeological evidence proportionate to their significance and sufficient to understand the potential impact of a proposal. Where appropriate, the Council may also require historical research and archaeological recording to be undertaken before works to a heritage asset commence.

The application is submitted with an archaeological desk-based assessment (DBA) which presents a reasonable summary of the known archaeological resource in and around the proposed development site.

The primary archaeological interest relates to the Roman period. The line of the former Buxton-Melandra Roman road runs just to the west of the proposed red-line boundary (it is presumably within the proposed link road as it extends further to the west to link into the Hogshaw development site).

In addition to this Roman interest, the site has archaeological potential associated with the prehistoric period (general prehistoric interest in the vicinity with particular reference to the Mesolithic/early Neolithic site at Waterswallows Lane, although at 1.4km this is not immediately adjacent).

A geophysical survey has also been submitted and has not identified significant archaeological targets within the area of the proposed development. The applicant has carried out a sufficient evaluation at the pre-determination stage to meet the requirements at Paragraph 189 of the NPPF and Policy EQ7 of the HPLP.

In order to meet the requirement of Paragraph 199 of the NPPF, it is advised that a scheme to agree a written scheme of investigation (WSI) for archaeological monitoring be required by way of condition, and for results of that monitoring results to be archived. Subject to the condition, I consider that application meets the requirements of national and local planning policy with regard to archaeology.

Ecology

Policies EQ5 Biodiversity and EQ8 Green Infrastructure of the HPLP and Section 15 of the NPPF are the appropriate policies which seek to conserve and enhance biodiversity the natural environment.

The application site is not within any sensitive area of ecological designation, such as a Site of Nature Conservation Importance (SNCI), a Site of Special Scientific Interest (SSSI), or a Special Protection Area (SPA).

Public representations, as outlined above, are concerned with impact on wildlife, and assurances Pell's Dam water body on the golf course would remain unaffected.

A Preliminary Ecological Appraisal (PEA) has been prepared by AECOM to inform the proposed scheme. The report flagged a requirement for bat roost potential surveys at several trees. The PEA includes an assessment of those trees.

The study identifies that the site falls into the potential impact risk zone of two statutory designated sites; the Peak District Dales Special Area of Conservation (SAC) and The Wye Valley Sites of Special Scientific Interest (SSSI). The closest non-statutory designated site was the Railway Land Hogshaw Local Wildlife Site (LWS), which is 0.2km west of the site and designated for its botanical value. The report suggests that, due to the nature and scale of the proposed development, it is anticipated that the LWS will be unaffected by the proposal; the main habitat within the site likely to be lost is amenity grassland and improved grassland that is of low ecological value; with reference to protected and priority species. A 2019 assessment, as identified in the PEA, confirmed likely absence of Great Crested Newt (GCN) in Pell's Dam pond (which is outside of the application site), and this would not therefore constrain this development.

The PEA has confirmed that there is low/negligible potential to support roosting bats on trees surveyed within the site. Similarly, the PEA confirmed that there is no evidence of badger activity within the site.

None of the surveys undertaken to inform the PEA identify any potential ecological impacts of any great significance. The application area lies outside of and somewhat distant from sites designated for their ecological interest, whilst habitats present within the site are all common, widespread and considered of limited ecological interest.

Whilst no further survey works are required, the PEA identifies certain compensation and mitigation measures which could be secured through appropriately worded conditions.

Regarding Natural England comments on the application and the Habitat Regulations, I am now satisfied that , that surface water discharge from the development would not affect the Peak District SAC or River Mease SAC. A screening exercise has been undertaken by the Council regarding potential effects upon the designations. The opinion adopted by the Council is that any

effects would be negligible and that an Appropriate Assessment is not therefore required.

Biodiversity enhancement, of what is considered to be an area of low grade ecological value, is likely to occur over time through measures such as additional tree planting over and above that to be removed, and additional landscaping of the scheme.

Subject to conditions, requiring measures based on the recommendations of the PEA, the proposal is considered to be in accordance with policies EQ5 and EQ8 of the HPLP and Section 15 of the NPPF. I am also satisfied that the concerns of the objectors have been noted, that there would be no impact upon Pell's Dam water body and that sufficient mitigation would be in place to protect wildlife on the site.

Drainage

Policy EQ11 of the HPLP and Section 14 of the NPPF are concerned with effective drainage, flood risk management and maintenance of water quality.

The site is within Flood Risk Zone 1, the lowest probability category area, having a less than 1 in 1,000 annual probability of river or sea flooding. The Environment Agency has no fluvial flood risk concerns associated with the proposals.

Due to the size of the site, a site-specific Flood Risk Assessment (FRA) has been produced to determine the flood risk and to inform an outline drainage strategy. The drainage strategy concludes that there will be no significant increase in fluvial/groundwater flood risk to the neighbouring land uses or an increase in surface water run-off as a result of the proposed development if the surface water drainage strategy developed for the site is properly implemented. The strategy demonstrates that it is possible to control and discharge the surface water runoff from the development in an acceptable, conventional and sustainable manner.

The County Council, as LLFA, has no objections to the proposals subject to conditions requiring detailed drainage design and surface water management and maintenance plan; an assessment to ensure destination of surface water is directed towards the most appropriate water body; details indicating how additional surface water run-off from the site will be avoided during the construction phase, and a verification report of compliance with agreed plans/drainage strategy carried out by a qualified drainage engineer prior to commencement of occupation.

The site is not in a flood susceptible locality and it has been demonstrated that the proposal can be effectively drained in accordance with Policy EQ11 of the HPLP and Section 14 of the NPPF, subject to the recommended conditions.

General Amenity Issues

Section 15: Conserving the natural environment of the NPPF requires that decisions on planning matters should be made (amongst other criteria) by: *“preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.”*

Policy EQ10: Pollution Control and Unstable Land of the HPLP states that the HPBC will protect people and the environment from unsafe, unhealthy and polluted environments.

Representations made by the public have raised concerns with regard to potential increase in noise and air quality as a result of the development.

The development proposed has been assessed for potential impacts including air pollution; pollution of watercourses (rivers, canals reservoirs, streams, ditches; noise; and land contamination. The effects of these impacts and mitigation to limit such impacts upon residential amenity and the local environment are an important consideration.

With regard to noise issues, the EHO has reviewed an acoustic report submitted. The report identifies minor increases in noise from traffic flow at some sensitive premises, however, these increases are not significant and mitigation measures would not be required.

The EHO has also reviewed a contaminated land assessment and considers it to be acceptable, subject to the need for further (intrusive) work which, is understood, is currently being undertaken.

The Environment Agency was also consulted and confirmed that there are no other environmental constraints associated with the site, and the Environment Agency therefore confirms it has no further comment to make.

The applicant has provided an air quality assessment with regard to potential impact associated with the proposed development. The EHO does not object to its findings, or the application as proposed.

HPBC is in the process of declaring an AQMA [Air Quality Management Area] on Fairfield Road, for the exceedance of the annual mean nitrogen dioxide (NO₂). The EHO expressed concern that the presence of the proposed scheme and associated developments may adversely affect the air quality in the proposed AQMA. As such, the air quality assessment was requested in support of the application.

Whilst concerns have been raised by representations made by the public opposed to the application, the key conclusions of the report are accepted by

the EHO that the impact on air quality, as a result of the proposal, would not be significant, neither would the impact of the proposed scheme combined with that of the allocated developments.

It is recommended that planning conditions be imposed to minimise, as much as possible, the impact on residential amenity, including a restriction on working times, details to be provided to address dust concerns, and a restriction on the hours for any piling.

Subject to the imposition of these conditions, the application is considered to be in accordance with Policy EQ10 of the HPLP and Section 15 of the NPPF.

Climate Change

Section 14: Meeting the challenge of climate change, flooding and coastal change of the NPPF requires planning decisions to take account of reduction in carbon emissions, where possible.

Policy EQ10: Climate Change of the HPLP, amongst other criteria, requires new development to be designed to contribute to achieving national targets to reduce greenhouse gas emissions by using land-form, layout, building orientation, tree planting, massing and landscaping to reduce likely energy consumption and resilience to increased temperatures.

The proposed roundabout development in itself, as proposed and under consideration now, would not result in an increase in vehicular traffic. It is considered that the roundabout, as a built structure, is likely to have a negligible effect on climate change, given the effect of additional tree replacement and landscaping mitigation proposed.

It is appreciated that future development planned is, however, likely to facilitate additional traffic and potentially, therefore, additional Carbon Dioxide and Nitrogen Dioxide fumes into the atmosphere. The consequence of that additional traffic in terms of potential impacts for climate change would also need to be considered by HPBC.

The key conclusions of the Air Quality Assessment report are accepted by the EHO that the impact on air quality, as a result of the proposal, would not be significant, neither would the impact of the proposed scheme combined with that of the allocated developments. Much of the analysis relates to the projected movement away from polluting vehicles (particularly diesel operated vehicles) and the likely improvement to air quality. This, in turn, has significant benefits to reduction in harmful effects in consideration of climate change.

Separate planning applications going forward with regard to housing developments would have to comply with relevant policies in the HPLP, including consideration of the use of, for example, decentralised heating

systems, low energy lighting, building orientation and the use of recycled materials. Industrial development may have to achieve BREEAM (Building Research Establishment Environmental Assessment Method) good standard status in consideration of carbon off-setting mitigation.

I am satisfied that, given the results of the Air Quality Assessment and the projected down turn in pollutants from vehicles, the proposal is in accordance with the policies identified above and that efforts for further mitigation to tackle the issue of climate change would be addressed by HPBC with regard to applications for further development coming forward.

Further Matters Raised by Representations Received from the Public

Concerns have been raised by public representations received that the application site may have a covenant attached, being gifted to the local people of Buxton by the Duke of Devonshire. Whilst there is no evidence of such a covenant before me, this would, in any case, not be an issue to consider with regard to the planning assessment, and would be a separate legal issue.

Whilst some representations state that the application site is common land, it has no legal status as such, or as Village Green.

Concerns that the proposal would not improve social infrastructure, such as schools, doctors, hospitals identified for wider housing development are noted, however, individual developments which the roundabout would serve would be subject to contributions or physical works required under the Community Infrastructure Levy (CIL) and the relevant planning policies on an individual basis by HPBC.

The statement that a new hotel is to be opened this year, and that this will add to the traffic, submitted by a member of the public is noted, however, does not indicate the development site. Any such new development would be subject to its own traffic impact analysis should planning permission have been required. The traffic analysis undertaken with regard to the roundabout application is considered to be robust and accounts for traffic from projected development at the north-eastern area of Buxton up until 2032.

The comment that residents affected by wider development coming forward should be consulted is noted. HPBC, as determining authority for those proposals, would consult residents neighbouring the development sites coming forward upon receipt of the relevant planning applications.

A member of the public raised the concern over current parking being limited and asked where construction vehicles would be placed. A condition is advised that would require submission of details relating to all construction vehicle parking and storage of plant/equipment, through the submission and written approval of a construction management plan.

Property devaluation concerns have been raised, however, they are not a material planning consideration. Concerns that if future development does not come forward due to viability issues, and that money invested in the roundabout will have been wasted are noted, but are speculative, and the Council has a duty to consider the application before it.

Conclusions

The principle of the proposed development is clearly supported by the current allocation of a roundabout within the general locality within the HPLP.

HPBC has identified the strategic importance of the roundabout as infrastructure required to bring development forward and thereby assisting in housing delivery and maintenance of a five year housing supply. There is clear support in the HPLP for the Fairfield Link Road and for the roundabout. Providing the roundabout as part of the Fairfield Link Road is crucial in delivering the policies outlined above within the HPLP. There are considerable public economic and social benefits to the County/Borough and the immediate area from facilitation of expansion to the Tongue Lane Industrial Estate, and in bringing forward additional housing at allocated sites at Hogshaw and Tongue Lane, and the approved Waterswallows site (unallocated) in combination in the order of 567 new homes.

Given the identification of the link road, including a roundabout in the HPLP; effective demonstration of compliance with the NPPF and HPLP with regard to most policies as outlined above; the previous planning history to the site including a roundabout approved in the general locality of Fairfield common; the significant economic and social benefits to come forward to unlocking the development sites identified and in assistance in housing delivery; I consider that the principle of the development is both established and is acceptable.

I note that there would be an impact on the character of the landscape, and that there would be some conflict with policies EQ2 and EQ3 of the HPLP in regard to the requirement to “*protect, enhance and restore the landscape character*”. With appropriate conditions required for detailed landscaping to be submitted; retention of trees and tree/hedge protection; and design of lighting and signage, then these effects could be further mitigated and limited. The impacts are duly acknowledged in the “planning balance”.

The significant public benefits of the proposed roundabout, are however considered to outweigh the harm of likely impact upon the wider landscape that would result from its development.

With regard to heritage assets, I do not dispute that there would be ‘harm’ to the setting of the conservation area, the listed buildings, and non-designated heritage asset. Whilst I concur with HPBC’s assessment that this harm would be to a ‘*less than substantial*’ scale, this does not in any way reduce the

importance of the heritage assets and the weight that is given against the planning assessment. I regard the public benefits to be delivered by this proposal (as outlined earlier in this report), however, as being a factor of sufficient weight to justify a positive recommendation of the application, whilst having given special regard to the desirability of preservation of the setting of the listed buildings (as required by Section 66), and conservation area (Section 72) and having regard to the other impacts associated with the development as referred to in this report.

I consider that any highways, ecological, drainage, archaeological, residential and general amenity, climate change considerations or other impacts in their assessment are of limited weight in the 'planning balance', and, where necessary, can be mitigated by way of condition, and do not outweigh the public benefits of the proposal.

The application is therefore recommended for approval subject to the conditions (or conditions substantially similar to the effect of) listed below.

(3) **Financial Considerations** The correct fee of £2,028 has been received.

(4) **Legal Considerations** This is an application submitted under the Town and Country Planning General Regulations 1992 for development which the County Council itself proposes to carry out.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the Officer's Recommendation.

(5) **Environmental and Health Considerations** As indicated in the report.

Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

(6) **Background Papers** File No. 1.1500.2

(7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission is **granted** subject to conditions substantially similar to the following draft conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years of the date of this permission.

Reason: The condition is imposed in accordance with Section 91 of the Town and Country planning Act 1990.

- 2) Notice of the proposed date of commencement of the development shall be provided to the County Planning Authority at least seven days prior to the start of works on site.

Reason: To enable the County Planning Authority to monitor the development in the interests of the amenity of the area.

- 3) The development shall take place in accordance with the details set out in the application for planning permission registered as valid on 7 February 2020, and the documentation accompanying it, unless otherwise modified or amended by the conditions of this planning permission. For the avoidance of doubt, the accompanying documentation comprises:

- Drawing no HOG-AEC-XX-XX-DR-PN-00001, entitled Site Location Plan
- Drawing no HOG-AEC-XX-XX-DR-PN-00002 Revision P2, entitled General Arrangement Plan
- Drawing no C-17-001-02-08-03/DR/LA/00001A, entitled Landscaping Drawing (Revised)
- Drawing no HOG-AEC-XX-XX-CE—00014, entitled Arm 1 Cross Sections
- Drawing HOG-AEC-XX-XX-DR-PN-00010, entitled Arm 1 Long Section
- Drawing HOG-AEC-XX-XX-CE-00015, entitled Arm 2 Cross Sections
- Drawing HOG-AEC-XX-XX-DR-PN-00011 Revision P1, entitled Arm 2 Long Section
- Drawing HOG-AEC-XX-XX-DR-CE-00016, entitled Arm 3 Cross Sections
- Drawing HOG-AEC-XX-XX-DR-PN-00012, entitled Arm 3 Long Section
- Drawing HOG-AEC-XX-XX-DR-CE-00017, entitled Arm 4 Cross Sections
- Drawing HOG-AEC-XX-XX-DR-PN-00013 Revision P1, entitled Arm 4 Long Section
- Drawing HFRB-AIA-TPP-01, entitled Preliminary Tree Protection Plan
- Drawing 11992/P03, entitled Tree Constraints Plan Drawing
- Document entitled Planning Application Supporting Statement, dated January 2020

- Document entitled Rights of Way Statement, dated February 2020
- Document entitled Statement of Community Involvement, dated January 2020
- Document entitled Acoustic Assessment, dated 8 November 2019
- Document entitled Air Quality Assessment and Emissions Statement, dated January 2020
- Document entitled Air Quality Assessment, dated 28 May 2020
- Document entitled Arboricultural Impact Assessment dated July 2019
- Document entitled Archaeological desk based assessment, dated May 2019
- Document entitled Assessment of Site for Features of Geological Interest, dated January 2020
- Document entitled Built Heritage Statement, dated June 2019
- Document entitled Heritage Impact Appraisal –addendum, dated 28 May 2020
- Document entitled Junction Assessment, dated December 2019
- Document entitled Tree Survey Schedule, dated January 2019
- Document entitled Preliminary Ecological Appraisal, dated 3 September 2019.

Reason: To ensure that the development hereby approved is carried out in conformity with the details submitted with the application.

- 4) All trees and hedgerows to be retained shall have root protection barriers afforded during construction works in accordance with British Standard BS5837 Trees in relation to design, demolition and construction.

Reason: In the interests of retaining landscape characteristics which contribute to the biodiversity, visual amenity of the area and the setting of the adjacent grade II listed building.

- 5) No clearance of trees, hedgerow or any existing scrub planting on site, shall be undertaken during the nesting bird season (March - August inclusive) unless an ecologist has undertaken a careful, detailed assessment of the site for active birds' nests immediately before such work is commenced and provided written confirmation to the County Planning Authority within seven days of the assessment that no birds will be harmed by the clearance and/or that there are appropriate measures in place to protect nesting bird interest on site.

Reason: In the interests of the protection of breeding birds.

- 6) The roundabout junction (including the initial lengths of access roads off the roundabout to the west and to the south-east), and associated

sustainable drainage shall be brought forward in accordance with the documents below:

- Department for Environment, Food and Rural Affairs (DEFRA's) Non-statutory technical standards for sustainable drainage systems (March 2015).
- The Flood Risk Assessment and preliminary surface water Drainage strategy Revision 02 Dated September 2019 *"including any subsequent amendments or updates to those documents as approved by the Flood Risk Management Team."*

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 County Planning Authority.

- 7) Prior to commencement of the development, the applicant shall submit, for approval to the County Planning Authority, details indicating how additional surface water run-off from the site will be avoided during the construction phase. The approved system shall be operating to the satisfaction of the County Planning Authority, before the commencement of any works, which would lead to increased surface water run-off from site during the construction phase.

Reason: Details are required prior to the commencement of development in order 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.

- 8) Prior to the development coming into use, a verification report, carried out by a qualified drainage engineer, must be submitted to and approved by the County Planning Authority. This must demonstrate that the drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls).

Reason: To ensure that the drainage system is constructed to the national Non-statutory technical standards for sustainable drainage and CIRIA standards C753.

- 9) No development shall take place until a construction management plan has been submitted to the County Planning Authority for its written

approval. The construction management plan shall cover details relating to the following items and shall be adhered to throughout the construction period:

- i. Site access/temporary access arrangements.
- ii. Construction compound and site accommodation.
- iii. Parking of vehicles of site operatives and visitors.
- iv. Arrangements for loading/unloading and turning vehicles within the site.
- v. Routes for construction traffic.
- vi. Method of prevention of debris being carried onto highway.
- vii. Proposed temporary traffic restrictions.
- viii. Roadside hoarding (including any gates).

Reason: Details are required to be agreed prior to the commencement of development in the interests of highway safety and residential amenity. It is considered that compliance with these requirements would only be effective if the construction management plan is provided to the County Planning Authority prior to the commencement of development.

- 10) The roundabout junction shall be formed in accordance with revised application drawings first submitted and approved in writing by the County Planning Authority to include details of amendments to existing road signage, carriageway markings and street lighting. All land in advance of the visibility sightlines shall be dedicated as highway to be maintained free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel levels.

Reason: In the interests of highway safety.

- 11) Prior to the commencement of development, all plans shall be revised as necessary and submitted to the County Planning Authority to show alterations to the turning head on Watersallows Road to reflect that, as shown on revised landscape plan C-17-001-02-08-03/DR/LA/00001A hereby approved.

Reason: Details are required to be agreed prior to the commencement of development in order to define the consent and in the interest of highway safety.

- 12) Prior to the commencement of development, a written landscaping scheme and plan shall be submitted to the County Planning Authority. The scheme shall include all planting works associated with the development, identify all proposed species of planting, trees and hedges to be retained, and shall identify:

- i) any trees to be removed;
- ii) replacement of any trees to be removed;
- iii) any hedgerow to be removed; and
- iv) a written scheme of on-going maintenance for a minimum five year period following implementation.

The scheme, as approved of the County Planning Authority, shall be implemented in full within the first available planting season of the roundabout coming into use.

Reason: Details are required prior to commencement of development in the interests of retaining landscape characteristics which contribute to the biodiversity, visual amenity of the area and the setting of the adjacent grade II listed building. It is considered that compliance with these requirements would only be effective if the plan is submitted and approved prior to commencement of works on site.

- 13) Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the County Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the County Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

- 14) The development shall be implemented in accordance of the recommendations for mitigation, compensation and biodiversity enhancement as set out in sections 5.2 and 5.3 of the Preliminary Ecological Appraisal undertaken by AECOM, dated 3 September 2019.

Reason: To provide appropriate ecological mitigation as compatible with the development.

- 15) No development shall take place until a written scheme of investigation (WSI) for archaeological monitoring has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:

- a) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
- b) The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material.

Reason: Details are required to be agreed prior to the commencement of development in the interests of recording archaeological remains in accordance with the requirements of Paragraph 199 of the National Planning Policy Framework (NPPF).

- 16) Unless otherwise agreed in writing by the County Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 16a to 16d have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the County Planning Authority in writing until condition 16d has been complied with in relation to that contamination.

a) 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 are subject to the approval in writing of the County 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 County 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*'.

b) 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, and is subject to the approval in writing of the County 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.

c) 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 County Planning Authority. The County 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 in PPS23 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 County Planning Authority.

d) 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 County Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 16a, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition 16b, which is subject to the approval in writing of the County 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 16c.

Reason: In the interests of public health.

- 17) Prior to commencement of development, a Dust Management Plan shall be submitted to and agreed in writing by the County Planning Authority. The Dust Management Plan shall demonstrate how construction dust will be controlled in accordance with the Building Research

Establishment Document 'Control of Dust from Construction and Demolition Activities' (BR456) and the Institute of Air Quality Managements 'Assessment of dust from demolition and Construction' (2014). The development shall then be carried out in accordance with the details agreed.

Reason: Details are required to be agreed prior to the commencement of development in the interests of residential amenity.

- 18) Construction work shall only be carried out on site between 08:00 hours and 18:00 hours Monday to Friday, 09:00 hours to 17:00 hours on a Saturday and no work on a Sunday or Public Holiday. The term "construction work" also applies to the operation of plant, machinery and equipment.

Reason: To protect the amenities of nearby residents/other occupiers.

- 19) No piling works shall be undertaken outside of the hours 09:00 hours and 17:00 hours Monday to Saturday and no piling work shall be undertaken on a Sunday or Public Holiday.

Reason: To protect the amenities of nearby residents/other occupiers.

Footnotes

Best Practical Means

The High Peak Borough Council's Environmental Health Officer advises that "*The best practicable means', as defined in Section 72 of the Control of Pollution Act 1974, to reduce noise and vibration from the site to a minimum, shall be employed at all times during construction.*"

Gas Pipeline Network

Cadent Gas has identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

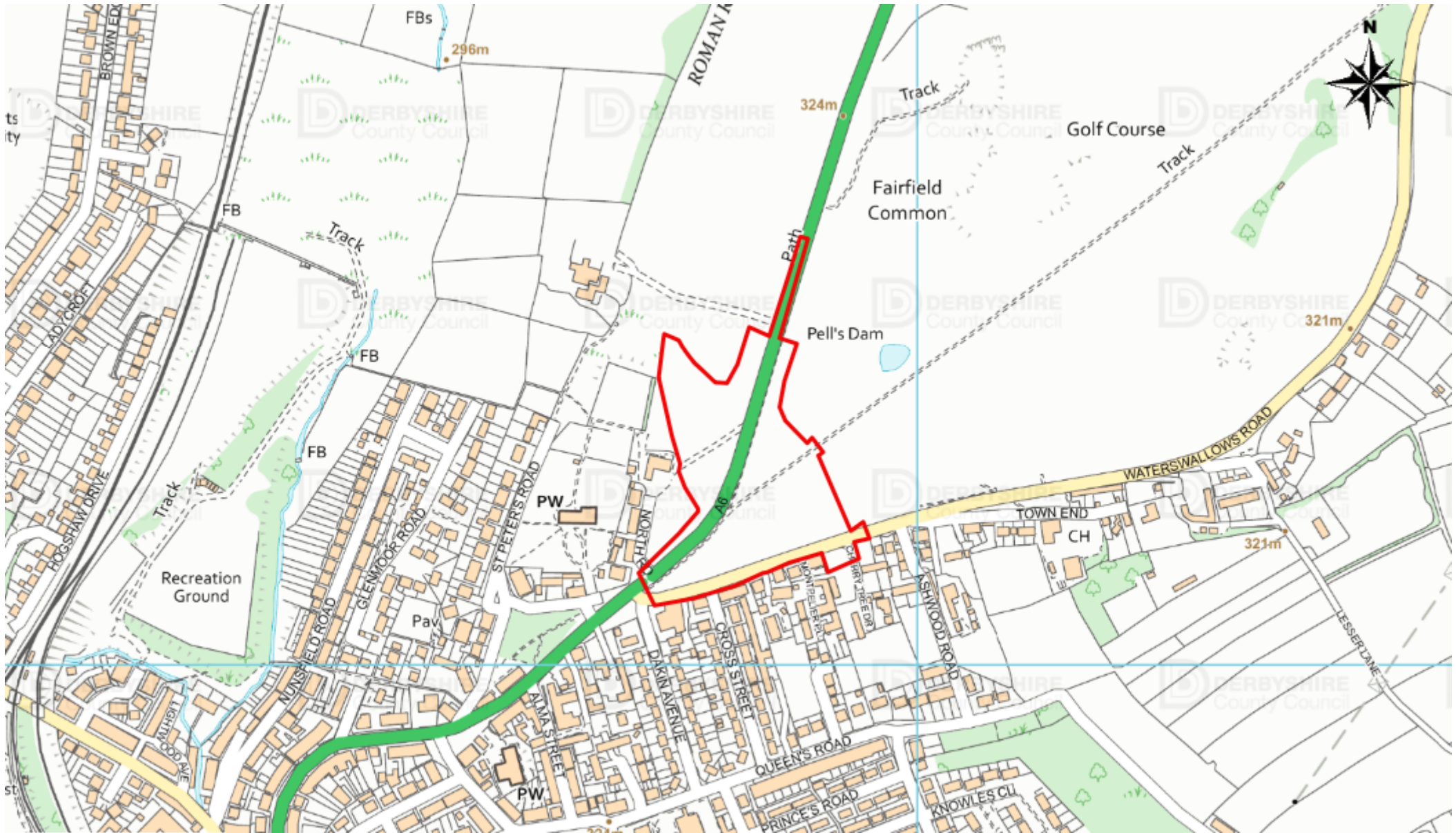
All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Statement of Compliance with Article 35 of the Town and Country Development Management Procedure Order 2015

The Council, as County Planning Authority (the "Authority"), worked with the Council as applicant (the "applicant") in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant has engaged in pre-application discussions with the Authority prior to the submission of the application. The applicant was given clear advice as to what information would be required.

In accordance with the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018 ('the Regulations'), the applicant was provided with a draft schedule of conditions attached which included pre-commencement conditions, requiring the submission of detailed schemes. The applicant provided a substantive response to the effect that it agreed with the imposition of those pre-commencement conditions.

Mike Ashworth
Executive Director – Economy, Transport and Environment



22-Jun-2020