

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

**OUTLINE PLANNING APPLICATION BY
INNOVATION FORGE LTD AND WOODFORD LAND LTD**

**FORGE WORKS, FORGE LANE,
CHINLEY, DERBYSHIRE, SK23 6BP**

PLANNING STATEMENT

05 DECEMBER 2011

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APPENDICES

- Appendix 1 HPBC Committee Report (and update) – 15 August 2011
- Appendix 2 Appeal Decision (Ref: APP/G4240/A/10/2141246)

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1. INTRODUCTION

BRIEF

- 1.1 Hourigan Connolly is instructed by Innovation Forge Ltd to submit an outline planning application to High Peak Borough Council (hereafter referred to a 'HPBC') for the redevelopment of the Forge Works, Forge Lane, Chinley, Derbyshire, SK23 6BP (hereafter referred to as 'the site'). The outline planning application is made jointly with Woodford Land Ltd.
- 1.2 The description of development is as follows:
- "Demolition of all remaining structures and redevelopment for up to 182 dwellings, up to 2,323 sq.m. business floorspace (Use Class B1), up to 325 sq.m. of non-residential institution floorspace (Use Class D1), community facilities and associated infrastructure".*
- 1.3 All matters are reserved for the future approval of the Council save for means of access to the public highway.

BACKGROUND

- 1.4 The site is owned by Woodford Land Ltd (hereafter referred to as Woodford).
- 1.5 Innovation Forge Ltd, a subsidiary of the Copperleaf Group, has acquired a contractual interest in the site. Purchase of the site is conditional upon a number of matters including the grant of satisfactory planning permission.
- 1.6 It is understood that the site was developed as a paper mill in the early 1800s. Early in the twentieth century, the site was sold to Dorma, who used it to produce bed linen and cotton prints, which involved bleaching and dyeing processes. Dorma sold the site to Kaleidoscope Colouration Limited in August 2003. By February 2005, that company had gone into administration. Since then, the site has been marketed for employment uses without success.

PURPOSE

- 1.7 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The purpose of this Planning Statement is as follows:
- To provide an overview of the physical constraints and opportunities at the site.

- To identify any statutory or local planning related designations affecting the site.
- To provide evidence that no previous planning decisions have been made that are material to the proposals for redevelopment of the site.
- To describe the work that has been undertaken by the consultancy team and the implications arising from that work.
- To provide details of the scheme that has been brought forward by way of the outline planning application.
- To consider the principle of development having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004.

1.8 This document should be read in conjunction with the suite of documents submitted in support of the outline planning application.

FORMAT

1.9 The remainder of this document is structured as follows:

- Chapter 2 – The Site & Surrounding Area.
- Chapter 3 – Planning History.
- Chapter 4 – Statutory & Other Designations.
- Chapter 5 – The Proposed Scheme.
- Chapter 6 – The Development Plan.
- Chapter 7 – Other Material Considerations.
- Chapter 8 – Key Issues.
- Chapter 9 – The Need For Additional Housing Development In The High Peak.
- Chapter 10 – The Suitability Of The Location For The Proposed Development.
- Chapter 11 – The Suitability Of The Site For The Proposed Development.
- Chapter 12 – Conditions and Section 106 Agreement.
- Chapter 11 – Summary and Conclusions

2. THE SITE & SURROUNDING AREA

SITE LOCATION

- 2.1 The application site comprises a former factory lying immediately to the south of Chinley within the Borough of the High Peak in the County of Derbyshire. The application site is outside the Peak District National Park boundary.
- 2.2 Chinley is approximately 8km north of Buxton and 2km northwest of Chapel-en-le-Frith. Whaley Bridge is 2.5km to the west. A site location plan is provided below.

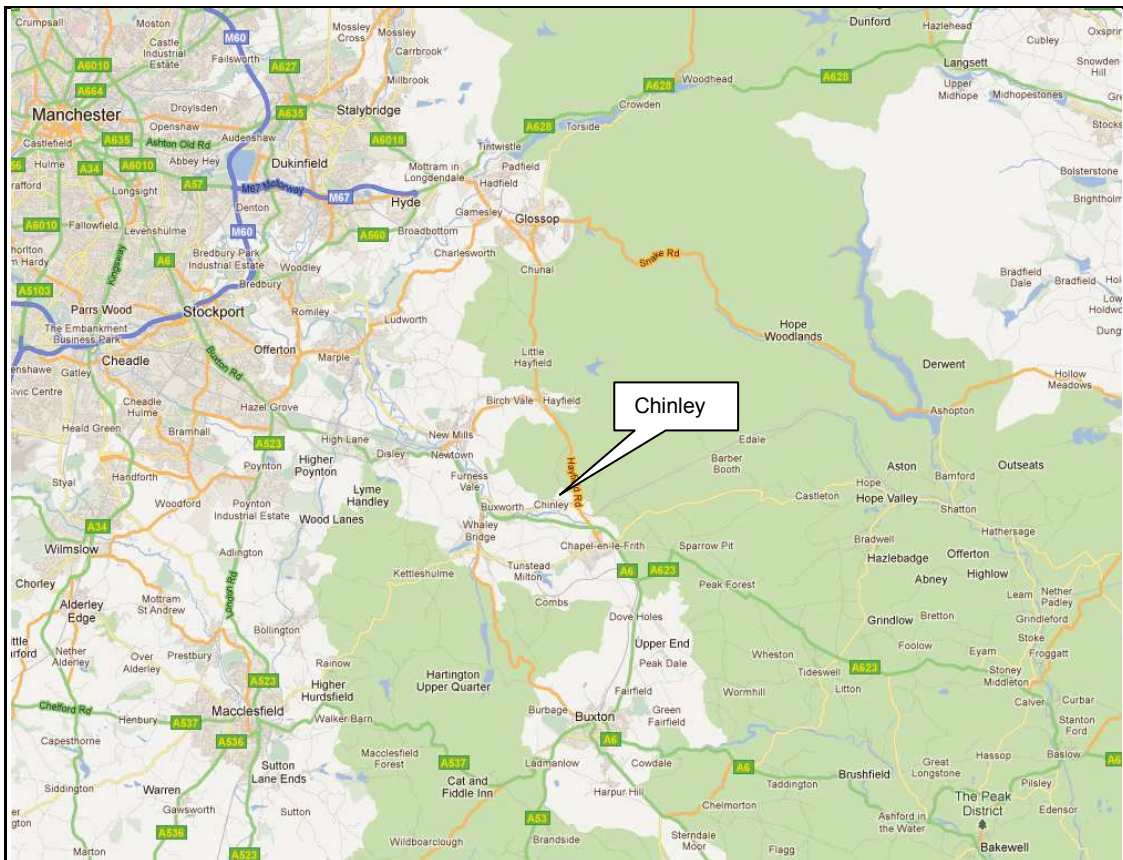


Fig. 2.1. Site Location

- 2.3 At the local level the site falls partly within the Parish of Chapel-en-le-Frith and partly within the Parish of Chinley, Buxworth and Brownside.

SITE DESCRIPTION

- 2.4 The application site comprises the former Dorma Factory site off Forge Lane. The site was last used as a factory which closed in 2005 and has since stood vacant. Prior to this, the site was historically occupied by a bleaching and dyeing company.

- 2.5 The factory buildings have been largely demolished although some structures (including the chimney) still remain on site. A comprehensive photographic survey of the site is provided within the Landscape and Visual Impact Assessment which accompanies the application.
- 2.6 The application site is 7.48 hectares and is bordered by the old Peak District tramway trail to the south. Beyond this the site is surrounded by mostly agricultural grassland with the A6 (Manchester to Buxton Road) a short distance beyond at an elevated level.
- 2.7 Black Brook, a tributary to the river Goyt, flows through the former factory site on a east-west axis. The southern fringes of Chinley, comprising Ash Grove and Hunters Green Close, lie to the immediate north of Black Brook.
- 2.8 The centre of Chinley and Chinley Railway Station are within walking distance to the north of the application site, accessed via Green Lane.



Fig. 2.2. The application site (outlined for reference purposes only) in relation to Chinley (prior to the site clearance works)

- 2.9 The sole vehicular access to the site is from Forge Road which also provides access to a small number of dwellings known as Forge Terrace which are not within the application site boundary. Forge Road is a no through road.

3. PLANNING HISTORY

- 3.1 The statutory register of Planning Applications and Appeals has been inspected with the assistance of Officers of High Peak Borough Council (HPBC).
- 3.2 Records indicate that the former factory site was subject to a number of relatively minor planning applications associated with the operational requirements of Forge Mill, dating from 1976 to 1991.
- 3.3 However, none of the recorded applications are relevant to the current proposals and on this basis, there are no previous decisions on the application site which would be material or prejudicial to the determination of this application.

4. STATUTORY AND OTHER DESIGNATIONS

FLOOD RISK

- 4.1 An extract of the Environment Agency Flood Risk Map is provided below. A small part of the site (north west corner) is within the floodplain and a further area is at risk of flooding in the event of an extreme flood. The implications are fully considered in the accompanying Flood Risk Assessment.

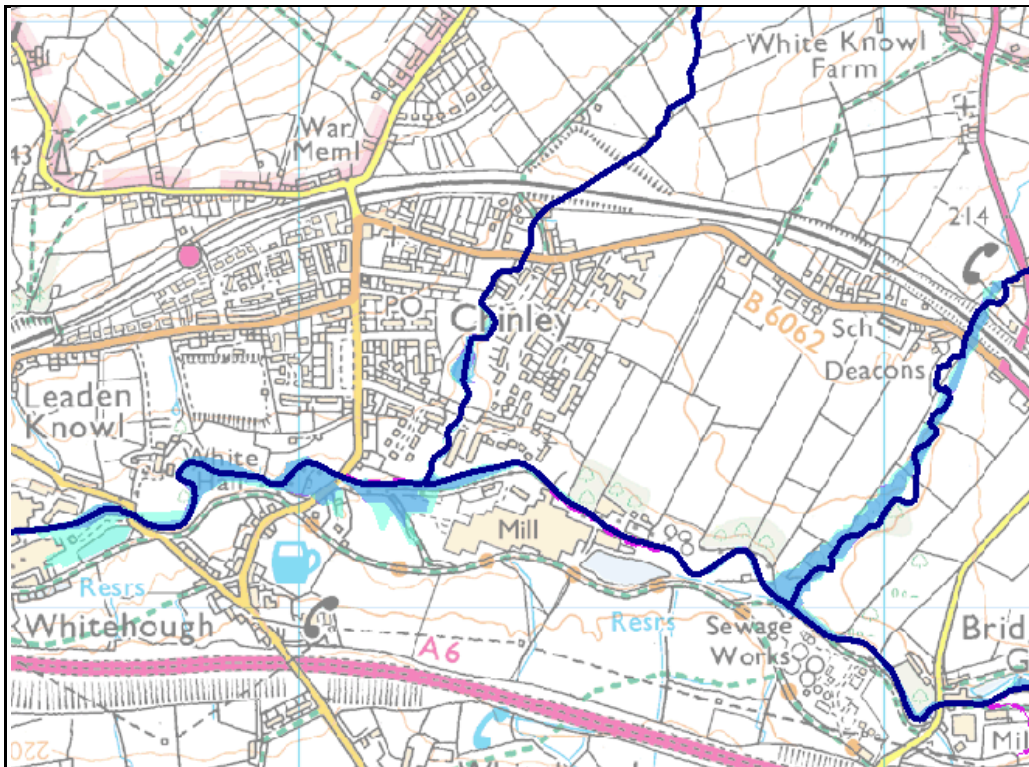


Fig. 4.1. Extract from EA Flood Plain Map

HERITAGE DESIGNATIONS

- 4.2 HPBC and Derbyshire County Council has confirmed that the application site does not contain any listed buildings and is not within a designated Conservation Area or World Heritage Site. The nearest Conservation Area lies to the west of Green Lane. The accompanying Archaeological Desk-Based Assessment has also confirmed that there are no Scheduled Ancient Monuments (SAM's) within the application site.

PUBLIC RIGHTS OF WAY

- 4.3 There are existing Public Rights of Way (public footpaths) along the recreational route which forms the southern boundary of the application site and along the western boundary of

application site. Both will be unaffected by the proposals and no diversion or closure orders are required.

TREE PRESERVATION ORDER

- 4.4 Officers of HPBC have verbally confirmed that the application site is not affected by any Tree Preservation Orders.

ECOLOGICAL DESIGNATIONS

- 4.5 The application is accompanied by an ecological assessment that confirms that the application site is not subject to any ecological designations and would not adversely affect any nearby ecological sites.

5. THE PROPOSED SCHEME

THE APPLICATION PROPOSALS

5.1 This application is made in outline with all matters reserved for subsequent determination (at reserved matters stage) save for the means of access. The application is accompanied by an Illustrative Masterplan which establishes parameters for subsequent reserved matters applications as follows:

- Development of up to 182 dwellings; incorporating a mix of dwellings to meet the needs of a range of households and including an element of affordable housing (precise quantum to be agreed during consideration of the application and secured by way of condition).
- Development of up to 2,323 sq.m. business floorspace (Use Class B1) which will include different sized commercial units suitable for offices, research and development facilities and light industrial uses. These units are not proposed to be general industrial uses (Class B2) to ensure there are no amenity conflicts with adjoining residential uses.
- Development of up to 325 sq.m. of non-residential institution floorspace (Use Class D1) which is envisaged to be a crèche;
- The provision of public open space on site and where deemed necessary a financial contribution towards existing facilities in the locality (to be secured by way of a Section 106 Agreement).
- Improvement to the existing access arrangements.
- Financial contribution towards education provision at Chinley Primary School (to be secured by way of a Section 106 Agreement).

PRE-APPLICATION CONSULTATION WITH HPBC & DCC

5.2 The application was subject to a series of pre-application meetings with Planning and Housing Officers of HPBC and discussions with Derbyshire County Highways Authority.

5.3 During the course of these meetings, Officers stated that that they would be willing to support a mixed use application on the site in principle subject to all relevant policy tests being satisfied.

PRE APPLICATION CONSULTATION WITH STAKEHOLDERS

5.4 The application proposals have been subject to numerous discussions with elected representative at a Parish, Ward and County level.

5.5 The draft proposals were also subject to two public consultation exercises; the first at Buxworth and Chinley Women's Institute in Chinley on Thursday 20 October 2011 and the second at Chapel-en-le-Frith Town Hall on Friday 21 October 2011. Both events were very well attended and useful feedback was obtained. The full pre-application stakeholder process is set out in the accompanying Statement of Community

SUPPORTING INFORMATION

5.6 In addition to this Planning Statement (which includes draft Heads of Terms for a Section 106 Agreement) and submitted plans, the application comprises the following documents;

- Design and Access Statement (prepared by Copperleaf Group/DGL Associates).
- Affordable Housing Statement (prepared by Simply Housing).
- Ecological Assessment (prepared by TEP).
- Technical Appraisal (prepared by Copperleaf Group) which deals with ground conditions, coal mining risk, waste management principles, utilities and energy.
- Landscape and Visual Impact Assessment (prepared by TPM Landscape).
- Flood Risk Assessment (prepared by Michael Lambert Associates).
- Marketing and Employment Viability Statement (prepared by Jones Lang LaSalle).
- Statement of Community Involvement (prepared by Hourigan Connolly).
- Transport Assessment (prepared by SCP).
- Arboriculture Survey (prepared by TEP).
- Archaeological Desk-Based Assessment (prepared by Archaeological Research Services Ltd).

6. THE DEVELOPMENT PLAN

INTRODUCTION

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

“where in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”.

6.2 In this instance, the Development Plan comprises:

- The Regional Spatial Strategy (RSS) for the East Midlands (2009).
- Saved Policies of the High Peak Borough Local Plan (HPBLP) (2005).

RSS FOR THE EAST MIDLANDS

6.3 The Localism Bill was granted royal assent on 15 November 2011 and became the Localism Act 2011. Part 6 (Chapter 1, §109) deals with the revocation of Regional Spatial Strategies (RSS), however Strategic Environmental Assessments (SEA) are ongoing and need to be completed before the order to revoke the RSS can be laid before Parliament. Accordingly, whilst there is a legislative basis for the revocation of RSS, further enactments need to be made to implement these provisions. However, the evidence base which underpins RSS remains material to the determination of planning applications.

6.4 The East Midlands RSS was published in March 2009. RSS Policy 3 (Distribution of New Development) establishes a settlement hierarchy and states that new development should be concentrated primarily towards the regions five Principal Urban Areas, growth towns and sub-regional centres. The development needs of other settlements and rural areas (including Chinley) should be provided for, whilst maintaining the distinctive character and vitality of rural communities; shortening journeys and facilitating access to jobs and services and strengthening rural enterprise and linkages between settlements and their hinterlands.

6.5 Critically, RRS Policy 3 also states that in assessing the suitability of sites for development priority should be given to making best use of previously developed land and vacant or under-used buildings in urban or other sustainable locations, contributing to the achievement of a regional target of 60% of additional dwellings on previously developed land or through conversions.

6.6 The application site lies within the Peak Sub-Area to which RSS Policy 8 (Spatial Priorities in and around the Peak Sub-area) applies. RSS Policy 8 provides a spatial framework for policy-making, requiring that policies should *inter alia* help to address the social and economic needs

of the Peak's communities, for example, by the provision of appropriate business premises and affordable housing.

- 6.7 RSS Policy 13a (Regional Housing Provision) defines the distribution of regional housing provision for the period 2006-2026. The requirement for HPBC is 300 dwellings per annum (net), equating to 6,000 dwellings over the RSS plan period. The present supply of housing land within High Peak is a fundamental issue in the determination of this application and is considered in detail within Chapter 9 of this Statement, however at this point it is worthy of note that housing land supply in the High Peak is circa 720 dwellings (circa 2.4 years).
- 6.8 RSS Policy 14 (Regional Priorities for Affordable Housing) requires HPBC to aim towards achieving an indicative affordable housing target over the plan period; however these should not be viewed as a maximum figure. For the Peak, Dales and National Park Housing Market Area, the target is 6,100 affordable dwellings over the RSS plan period. The proposals make provision for an element of affordable housing in accordance with these strategic objectives.

SAVED HIGH PEAK BOROUGH LOCAL PLAN (HPBLP)

- 6.9 The HPBLP was adopted in March 2005. Under transitional arrangements introduced via the Planning and Compulsory Purchase Act, the majority of policies within the adopted HPBLP were 'saved' in March 2008 pending the preparation of the High Peak Local Development Framework (HPLDF).
- 6.10 In saving a number of policies in the HPBLP the Secretary of State stated on 26th March 2008:

"Following 30th March 2008 the extended policies should be read in context. Where policies were adopted some time ago, it is likely that material considerations, in particular the emergence of new national and regional policy and also new evidence, will be afforded considerable weight in decisions. In particular, we would draw your attention to the importance of reflecting policy in Planning Policy Statement 3 Housing and Strategic Housing Land Availability Assessments in relevant decisions".

SITE SPECIFIC POLICY DESIGNATIONS

- 6.11 The application site is identified as Primary Employment Zone (PEZ) within the Central Area and designated under Policy EM4 (denoted in purple on the Proposals Map extract provided overleaf). Land and buildings within the PEZs will be safeguarded for Class B1/B2/B8 Use and other employment generating uses. Planning permission will not normally be granted for retail or housing development.
- 6.12 The objectives of this policy are clear; to ensure an adequate and flexible supply of employment sites for economic purposes. However, in exceptional circumstances, alternative uses such as housing may be considered as acknowledged by the policy wording.

6.13 This Planning Statement will demonstrate that the Forge Works are surplus to economic requirements and unviable to redevelop for employment uses in isolation.

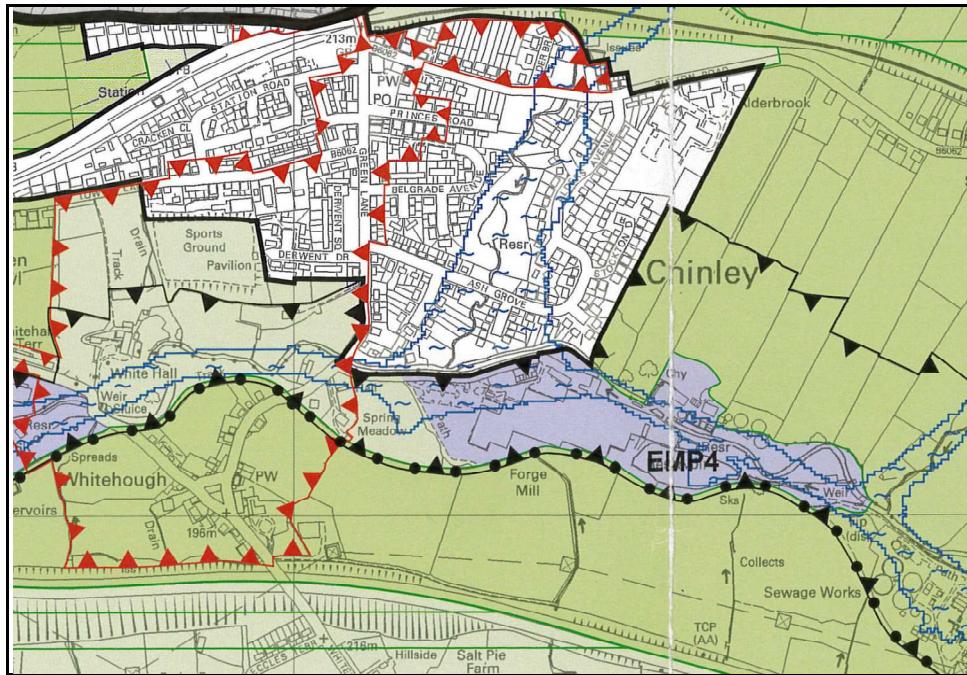


Fig. 6.1 – Extract from HPBLP Proposals Map

6.14 The entirety of the application site is also designated under Policy GD12 (Unstable Land, Landfill And Contaminated Sites) which states that planning permission will be granted for development, provided that it will not be unduly adversely affected by its siting on, or its proximity to, a known or suspected landfill, unstable land or contaminated site.

6.15 The outline application is accompanied by a Ground Investigations Report which identifies likely contamination within the site and an appropriate remediation strategy to ensure the site is safe to develop for housing, in accordance with this policy. This matter can be controlled by planning condition.

6.16 Part of the application site is also shown to be within an area at risk of flooding as shown on the Proposals Map, however, the availability of Flood Risk data has improved significantly since the publication of HPBLP Proposals Map. To fully address this issue, the application is accompanied by a Flood Risk Assessment (FRA) using the most up-to-date survey data available from the Environment Agency.

GENERAL POLICY CONSIDERATIONS

6.17 Although a designated employment site, the application site lies outside the defined Built-Up Area Boundary for Chinley and is, therefore, subject to Policy OC1 (Countryside Development) of the Saved HPBLP. This policy states that within the Countryside, planning permission will be

granted for development which is an integral part of the rural economy and which can only be carried out in the Countryside provided that:

- the development will not detract from an area where the open character of the countryside is particularly vulnerable because of its prominence or the existence of a narrow gap between settlements; and
- the development will not generate significant numbers of people or traffic to the detriment of residential amenity, highway safety, landscape or air quality or otherwise have an unacceptable urbanising influence; and
- the development will not have a significant adverse impact on the character and distinctiveness of the countryside.

6.18 Whilst it is recognised that the application site is outside the existing Built-Up Area Boundary, it is physically contiguous. The site is also previously developed land and, by virtue of its designation as an employment site under EM4, a suitable site for development in principle. This matter is considered in more detail later in this Planning Statement.

6.19 In general terms, Policy H1 (Principles Of Housing Provision) states that planning permission will be given for new housing, giving priority to the redevelopment of previously developed land in built up areas, conversions and sub division of existing urban buildings.

6.20 Policy H9 (Affordable Housing For Local Needs) states that the HPBC will negotiate with developers to ensure the provision of a proportion of affordable housing for local needs in new residential development schemes, including windfall sites. Policy H9 further states that where a site is considered suitable for an element of affordable housing, rather than make direct provision on the land itself it may be appropriate to make a contribution to affordable housing provision on a different suitable site in the area in its place. Conditions will be imposed, and/or planning obligations or the involvement of Registered Social Landlords sought, to ensure the benefits of affordable dwellings for local needs will continue for initial and subsequent occupiers. Conditions will be imposed on outline approvals to ensure that appropriate pro rata provision is made at reserved matter stages.

6.21 Policy H11 (Layout And Design Of Residential Development) states that planning permission will be granted for residential development provided that it will incorporate good design that reflects its setting and local distinctiveness; and make efficient use of available land; and promote safe and accessible living environments which include a mix of housing types and sizes; and protect amenity.

6.22 Policy H12 (Public Local Open Space) states that permission will be granted for residential development, provided that the development will provide or have access to sufficient area(s) of public open space to adequately serve residents of the site. Areas of public open space will be

convenient for, and usable by, residents and sited and designed to ensure the safe supervision of users and to minimise disturbance and loss of amenity to nearby properties.

6.23 Housing demand and need are fully considered later in this Planning Statement. Both are critical considerations in the determination of this application.

6.24 The application is also accompanied by an Affordable Housing Statement which presents a viability case for an appropriate proportion of much needed affordable housing which will be deliverable on this site.

6.25 Public open space will also be provided in accordance with policy, and by way of a Section 106 Agreement. The Council has expressed a preference for an off-site contribution and at the time of writing the facility to benefit has not yet been identified. However it is considered that this matter will be resolved during consideration of the planning application.

6.26 The application is also accompanied by an Illustrative Masterplan which demonstrates how a development could be satisfactorily laid out on this site in accordance with the parameters of the uses proposed.

6.27 Policy EMP9 (Change of Use from Industry or Business) is also critical to this application, stating that permission will be granted for the change of use of industrial or business land or premises provided that:

- In the case of mixed use:
 - mixed use elements are limited in scale and subordinate to the employment use of the site; and
 - the development achieves demonstrable improvements to the size, quality or accessibility of the employment premises or employment base.
- In the case of change of use of a whole site:
 - the continued employment use of the land or premises for industry would perpetuate significant traffic or environmental problems; and
 - these problems could not be satisfactorily resolved by a mixed use development; and
 - the developer can clearly show that there is no market demand for the site for employment use; and
 - the proposed development will be compatible with adjoining uses.
- In all cases

- the development does not conflict with the principles of sustainability or the Green Belt; and
- the development achieves a strategic aim of the plan, which brings a greater benefit to the area than the retention of the existing use.

6.28 Policy EMP9 further states that conditions will be imposed and planning obligations negotiated to ensure that development takes place in a comprehensive manner and promotes the retention or enhancement of employment at the site.

6.29 This application fully responds to the spirit of this policy, the implications of which are fully considered later in this Planning Statement and in the supporting documentation. It will be shown that there are other material considerations which justify the application proposal in this instance.

6.30 Policy TR1 (Transport Implications of New Development) states that permission will be granted for new development provided that it seeks to reduce the need to travel, widen transport choice for people and goods integrate transport and land use.

6.31 Policy TR4 (Traffic Management) states that permission will be granted for development provided that: the capacity and design of the transport network serving the site will reasonably accommodate the anticipated increase in travel without materially harming highway safety or local amenity; and the traffic generated by the development will not unduly interrupt the safe and free flow of traffic on trunk or primary roads or materially affect existing conditions to an unacceptable extent.

6.32 The application is supported by a Transportation Assessment, as required by Policy TR4, which fully addresses highways capacity issues.

6.33 The Saved HPBLP also contains a number of general design/amenity policies which are of relevance to the Illustrative Masterplan. These include:

- Policy GD.4 (Character, Form And Design).
- Policy GD.5 (Amenity).
- Policy GD.6 (Landscaping).
- Policy GD.7 (Crime Prevention).

6.34 While all of the above issues are to be dealt with at the reserved matters stage the Illustrative Masterplan adequately demonstrates that a successful development could be delivered.

SUMMARY

- 6.35 Whilst it is our view that the provisions of the Local Plan are outdated having been superseded by national policy, the proposed development generally complies with the relevant provisions of RSS and the Local Plan. Where it does not it will be shown in the following chapter that there are other material considerations that weigh in favour of the proposals to warrant a departure from Development Plan policy.

7. OTHER MATERIAL CONSIDERATIONS

INTRODUCTION

7.1 In this instance, it is our view that other material considerations should be afforded significant weight when applying the policies of the HPBLP particularly as it was adopted by the Council in March 2005 and Paragraph 1.17 states that:

“The Derbyshire Structure Plan covers the period from April 1991 to March 2011; the Local Plan relates to the same time period.”

7.2 By the time this application is determined, the end date of the HPBLP will have passed. HPBC also has a new evidence base to inform the preparation of the Local Development Framework (LDF) which is more pertinent to the application proposals.

7.3 This application must, therefore, be considered in context of the most up-to-date evidence base and other material considerations such as national planning policy which has superseded the adoption date of the HPBLP.

7.4 Material considerations must be genuine planning considerations, i.e. they must be related to the development and use of land in the public interest. The considerations must also fairly and reasonably relate to the application concerned (*R v Westminster CC ex-parte Monahan 1989 refers*).

7.5 The Courts are the arbiters of what constitutes a material consideration. All the fundamental factors involved in land-use planning are included, such as the number, size, layout, siting, design and external appearance of buildings and the proposed means of access, together with landscaping, impact on the neighbourhood and the availability of infrastructure.

7.6 The Courts have also held that the Government's statements of planning policy are material considerations which must be taken into account, where relevant, in decisions on planning applications. These statements cannot make irrelevant any matter which is a material consideration in a particular case. But where such statements indicate the weight that should be given to relevant considerations, decision-makers must have proper regard to them. If they elect not to follow relevant statements of the Government's planning policy, they must give clear and convincing reasons (*E C Grandson and Co Ltd v SSE and Gillingham BC 1985 refers*).

7.7 Emerging policies, in the form of draft policy statements and guidance, can be regarded as material considerations, depending on the context. Their existence may indicate that a relevant policy is under review; and the circumstances which have led to that review may need to be taken into account. In this case the following material considerations are relevant.

NATIONAL PLANNING POLICY

PLANNING POLICY STATEMENT (PPS) 1 DELIVERING SUSTAINABLE DEVELOPMENT

- 7.8 PPS1 was published in July 2005 and sets out the government's policies on the delivery of sustainable development through the planning system. PPS1 advocates sustainable development which respects social cohesion and protects and enhances the environment whilst making prudent use of natural resources.
- 7.9 The application proposals make the most efficient use of the application site by delivering mixed-use development at an appropriate density whilst protecting and enhancing the environmental qualities of the site and respecting the character of the locality.
- 7.10 Paragraph 33 of PPS1 states that:
- “Good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning.”*
- 7.11 Paragraph 34 of PPS1 goes on to state:
- “...Design which is inappropriate in its context should not be accepted and design which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted”.*
- 7.12 The application is accompanied by an Illustrative Masterplan which is fully premised on the fulfilment of these objectives. The design rationale is further explained in the Design and Access Statement.

PPS 1 (PLANNING AND CLIMATE CHANGE SUPPLEMENT)

- 7.13 The Climate Change Supplement to PPS1 deals with reducing emissions and stabilising climate change. Paragraph 31 of the supplement indicates that planning authorities should not need to devise their own standards for the environmental performance of individual buildings as these are set out nationally through the Building Regulations. Higher standards for new homes are set out in the Code for Sustainable Homes.
- 7.14 Paragraph 35 sets out issues for new developments. All of the above matters were considered in devising the Illustrative Masterplan for the scheme and the package of benefits proposed. It is contended that the proposals would deliver a sustainable development.

PPS3 HOUSING

7.15 The latest version of PPS3 was published in June 2011 and underpins the Government's response to the Barker Review of Housing Supply and the necessary step-change in housing delivery, through a new, more responsive approach to land supply at the local level.

7.16 In accordance with Paragraph 10, the specific outcomes that the planning system should deliver are:

- High quality housing that is well-designed and built to a high standard.
- A mix of housing, both market and affordable, particularly in terms of tenure and price, to support a wide variety of households in all areas, both urban and rural.
- A sufficient quantity of housing taking into account need and demand and seeking to improve choice.
- Housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure.
- A flexible, responsive supply of land – managed in a way that makes efficient and effective use of land, including re-use of previously-developed land, where appropriate.

7.17 The proposals are in accordance with Paragraph 10 of PPS3.

7.18 In terms of the location of new development, Paragraph 36 of PPS3 deals with the location of new housing:

“In support of its objective of creating mixed and sustainable communities, the Government’s policy is to ensure that housing is developed in suitable locations which offer a range of community facilities and with good access to jobs, key services and infrastructure.”

7.19 The planning application proposals comply with the Government's objectives outlined above and benefit from an acceptable level of accessibility to local services and social infrastructure as well as providing employment opportunities and community facilities within the site.

7.20 In accordance with Paragraph 44 of PPS3, Local Planning Authorities should consider a range of incentives or interventions that could help to ensure that previously developed land is developed in line with the trajectories. This should include, *inter alia* :

- Considering whether sites that are currently allocated for industrial or commercial use could be more appropriately re-allocated for housing development.

7.21 Clearly the proposals comply with these provisions.

7.22 With reference to the deliverability of this site, Paragraph 54 of PPS3 sets out tests for deliverable sites:

- *“Be Available – the site is available now.*
- *Be Suitable – the site offers a suitable location for development now and would contribute to the creation of sustainable, mixed communities.*
- *Be Achievable – there is a reasonable prospect that housing will be delivered on the site within five years”.*

7.23 It is our view that the application proposals comprise a deliverable site.

7.24 It is worthy of note that Paragraph 55 states (in part):

“At the local level, Local Planning Authorities should set out in Local Development Documents their policies and strategies for delivering the level of housing provision, including identifying broad locations and specific sites that will enable continuous delivery of housing for at least 15 years from the date of adoption, taking account of the level of housing provision set out in the Regional Spatial Strategy”...

7.25 Paragraph 57 of PPS3 states:

“Once identified, the supply of land should be managed in a way that ensures that a continuous five year supply of deliverable sites is maintained i.e. at least enough sites to deliver the housing requirements over the next five years of the housing trajectory”.

7.26 With regard to weight, Paragraph 68 of PPS3 states that:

“Local Planning Authorities should take into consideration the policies set out in Regional Spatial Strategies and Development Plan Documents, as the Development Plan, as well as other material considerations. When making planning decisions for housing developments after 1st April 2007, Local Planning Authorities should have regard to the policies in this statement as material considerations which may supersede the policies in existing Development Plans.”

7.27 In terms of the suitability of sites, Paragraph 69 of PPS3 states:

“In general, in deciding planning applications, Local Planning Authorities should have regard to:

- *Achieving high quality housing.*

- *Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.*
- *The suitability of a site for housing, including its environmental sustainability.*
- *Using land effectively and efficiently.*
- *Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.”*

7.28 On the basis of the supporting information which accompanies the application, it is our view that criteria 1 – 4 above have been fully addressed in the application proposals. These matters and, with regard to criterion 5, the issue of prematurity, are considered later in this Statement where it is demonstrated that the application proposals are not premature, would meet need and demand for housing and are in line with the spatial vision for the area and would not undermine any wider policy objectives.

7.29 Paragraph 71 of PPS3 continues:

“Where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in Paragraph 69.”

7.30 In this instance, it is considered that the housing policies in the HPBLP have been superseded by the requirements of PPS3. Overall, it is considered that the application proposals are compliant with the provisions of PPS3; they would deliver much needed open market and affordable housing (in an area where there is only circa 2.4 years supply of housing against a national requirement for a continuous 5 year supply) on a sustainably located site and in a sustainable and high quality manner.

PPS4 PLANNING FOR SUSTAINABLE ECONOMIC GROWTH

7.31 PPS4 sets out the Government’s policies on economic growth and defines economic development as those uses falling within the Class B Use class and community uses.

7.32 Policy EC6.2 of PPS4 states that in rural areas, Council’s should strictly control economic development in open countryside away from existing settlements, or outside areas allocated for

development in Development Plans and identify local service centres (including towns and large villages) and locate most new development in or on the edge of existing settlements where employment, housing (including affordable housing), services and other facilities can be provided close together.

7.33 Policy EC10 of PPS4 states that:

“Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably”.

7.34 The proposals are in accordance with the relevant provisions of PPS4.

PLANNING POLICY GUIDANCE (PPG) NOTE 13 TRANSPORT

7.35 PPG13 recognises that our quality of life depends on transport and easy access to jobs, shopping, leisure facilities and services. It asserts that we need a safe, efficient and integrated transport system to support a strong and prosperous economy.

7.36 Importantly though PPG 13 also acknowledges the way we travel and the continued growth in road traffic is damaging our towns, harming our countryside and contributing to global warming. In response to this challenge, the Government set out its policy for the future of transport in the White Paper "A New Deal for Transport: Better for Everyone" (July 1998), to extend choice in transport and secure mobility in a way that supports sustainable development. The New Deal for Transport aims to deliver an integrated transport policy.

7.37 The guidance sets out the circumstances where it is appropriate to change the emphasis and priorities in provision between different transport modes, in pursuit of wider Government objectives. The guidance notes that the car will continue to have an important part to play and for some journeys, particularly in rural areas, it will remain the only real option for travel.

7.38 The location of the application site provides a real choice of transport mode as a genuine alternative to the private car. This must be regarded as a compelling benefit that demonstrates the appropriateness of this type of development for this location.

7.39 These matters are considered fully in the Statement submitted by SCP in support of the application which shows that the proposals are in accordance with PPG13.

PPG14 DEVELOPMENT ON UNSTABLE LAND

7.40 The application site is a former industrial site that has historically been used for bleaching and dyeing works. The HPBLP indicates that this area of Chinley was also formerly a landfill site. Accordingly, site investigations have been undertaken and a full Ground Conditions Survey submitted in support of the application.

PPG17 PLANNING FOR OPEN SPACE, SPORT AND RECREATION

- 7.41 Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation (PPG17) was published in July 2002. Its foreword states that: *“Open spaces, sport and recreation all underpin people's quality of life. Well designed and implemented planning policies for open space, sport and recreation are therefore fundamental to delivering broader Government objectives.”*
- 7.42 In addition to amenity space within the development, the proposals can provide up-grades to local facilities conforming to local policy requirements. The development therefore achieves compliance with PPG17.

PPS25 DEVELOPMENT AND FLOOD RISK

- 7.43 Planning Policy Statement 25: Development and Flood Risk (PPS25) was published in December 2006. Its forward states that *“all forms of flooding and their impact on the natural and built environment are material planning considerations.”*
- 7.44 The aim of PPS25 is stated as *“to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk.”*
- 7.45 PPS25 seeks to ensure positive planning in the delivery of sustainable development through the avoidance, reduction and management of flood risk by taking full account in decisions on plans and applications.
- 7.46 The subject planning application includes a Flood Risk Assessment. This document has been prepared in accordance with PPS25 and associated guidance notes on the basis of maintaining the current discharge of water from the site through various engineering approaches.
- 7.47 The FRA plans are designed for worst case conditions. As such, the data and calculations used provide a greater than usual margin of confidence when considering the impact of the volumes of discharge from the site. The findings of the study demonstrate the site to be entirely suitable for residential, commercial and community uses and will not result in any unacceptable flood risk implications arising.

NATIONAL PLANNING POLICY - SUMMARY

- 7.48 The proposals are in accordance with up to date national policy.

HIGH PEAK LOCAL DEVELOPMENT FRAMEWORK (LDF)

7.49 The Derbyshire Dales and High Peak Joint Core Strategy is the key strategic document within the High Peak LDF and will provide the basis for the production of other Development Plan Documents (DPD's). Its role is to set out the strategic vision and direction for the High Peak area up to 2026.

7.50 Following an earlier issues and options community consultation, HPBC consulted on a draft Core Strategy for a six week period in June 2010. The timeframe for adoption of the Core Strategy has now slipped to mid-2013 principally due to legislative changes at the national level.

7.51 Despite the draft Core Strategy being at a relatively early stage, the spatial development principles are worthy of note and offer a clear indication of the anticipated policy direction within the Borough.

7.52 Policy CS1 (Sustainable Development Principles) states that HPBC will seek to ensure that all new development makes a positive contribution towards the sustainability of communities and to protecting, and where possible enhancing, the environment within the Plan Area. This will be achieved by *inter alia*:

- Meeting most development needs within or adjacent to existing communities;
- Making efficient use of land (including the remediation of contaminated land), buildings and existing infrastructure;
- Supporting the local economy by enabling a mix of uses that provide employment opportunities suitable for local people in environmentally, socially and economically sustainable locations;
- Minimising the need to travel by promoting development in locations where there is access to a broad range of services and facilities which are accessible by foot, cycle or public transport with minimal reliance on the private car;
- Minimising the risk of damage to areas of importance for nature conservation and/or landscape value, both directly and indirectly;
- Following a sequential approach to flood risk, avoiding the development of previously undeveloped land which is, or will be, at risk from flooding, and managing and reducing flood risk for development on previously developed land where continuing development has wider sustainability benefits or where there is no reasonable alternative site compatible with other sustainability considerations; and

- Maintaining and where possible enhancing accessibility to a good range of services and facilities, and not putting an unreasonable burden on existing infrastructure and services.

7.53 Policy CS2 identifies Chinley as a “Larger Settlement”. These larger settlements are considered to be suitable locations to accommodate some new development, consistent with maintaining or enhancing their character or appearance whilst also maintaining existing facilities and services. Development should “contribute to maintaining the distinctive character and vitality of rural communities” in line with RSS Policy 3.

7.54 As shown below, Chinley lies in the Central Sub Area of the Draft Core Strategy wherein Policy CS22 supports the development of new housing within the mixed redevelopment of industrial legacy sites.

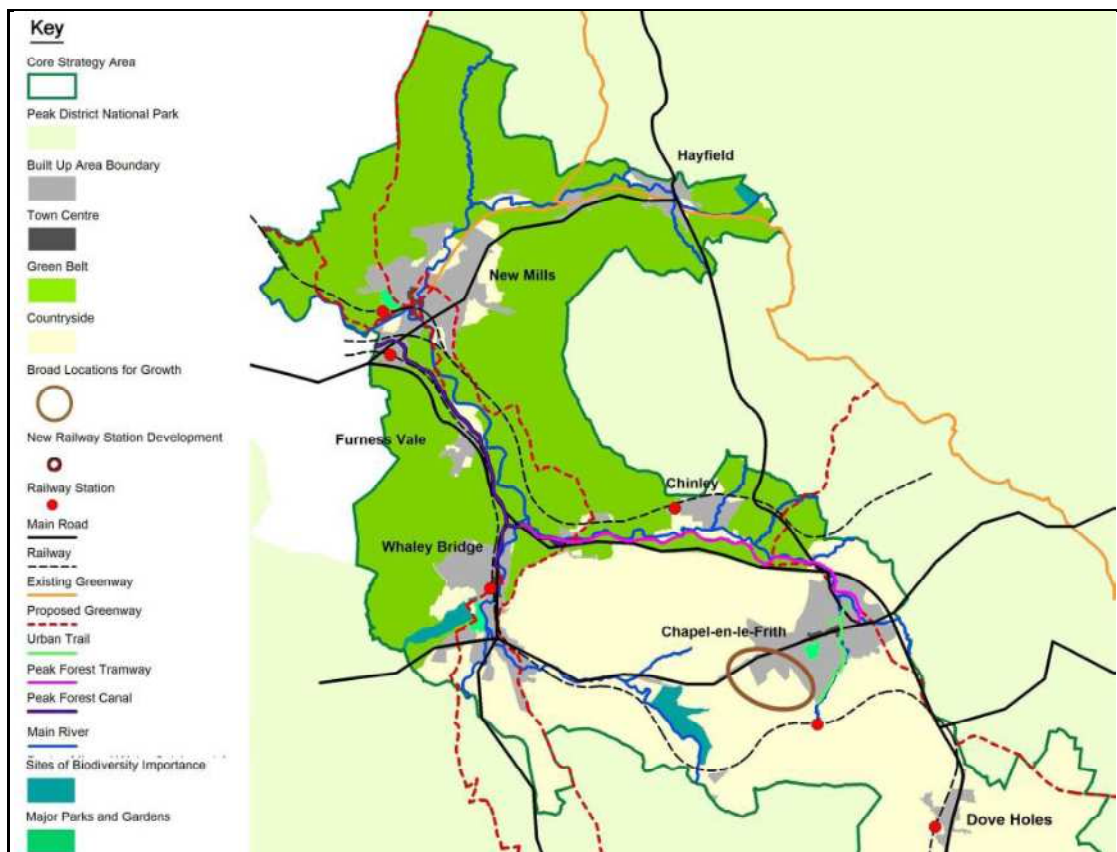


Fig. 7.1 - High Peak Central Sub Area

7.55 In terms of identifying the amount of land required for economic development, the draft Core Strategy refers to the Peak Sub-Region Employment Land Review which identifies future employment land requirements based on a wider assessment of economic conditions, trends and land supply. This advised that a total of 35 hectares of employment land should be made available within the High Peak for the plan period 2008-2026.

7.56 Draft Core Strategy Policy CS9 (Regenerating an Industrial Legacy) states that High Peak Borough Council will seek to maximise the potential of former employment sites that are no

longer suited to meeting the needs of modern businesses in order to maintain and where possible, enhance the economic base of the Plan Area. This will be achieved by:

- Encouraging proposals for the redevelopment of former employment sites identified in the Site Allocations Development Plan Document where these are no longer conducive to meeting the needs of modern businesses.
- Stimulating investment on constrained sites in order to encourage their beneficial re-use.
- Encouraging mixed use developments, which support local economic growth sectors.

7.57 The draft Core Strategy also includes three development management policies, including Policy DM1 (Existing Employment Land and Business Premises) which carries forward the principles enshrined in Saved HPBLP Policy EMP9.

7.58 Policy DM1 states that development proposals involving the redevelopment or change of use of existing business or industrial land or premises for non-employment uses will only be permitted where:

- the continuation of the land or premises in industrial or business use is no longer financially or commercially viable as demonstrated by a comprehensive marketing assessment and marketing exercise or;
- the current use is incompatible with the surrounding properties and land uses.

7.59 Policy DM1 further states that in considering proposals involving the loss of existing business or industrial land or premises preference will be given to mixed-use development over that involving the total loss of business land or premises.

7.60 Clearly the proposals are in accordance with the provisions of the emerging Core Strategy.

SUPPLEMENTARY PLANNING DOCUMENTS (SPD'S)

7.61 Housing Needs in High Peak (adopted November 2007) states that negotiations shall be conducted to seek the provision of affordable units of a number equivalent to 30% of the total units proposed on the site. In exceptional circumstances it may be appropriate for an applicant to make a financial contribution in lieu of on-site provision.

7.62 On the 2nd January 2009, HPBC issued its latest Interim Housing Policy Statement. This removed the policy of restraint which had operated in the previous 3 years and at para. 3.8 states that *"if an application can demonstrate that it meets the criteria outlined in the Housing Justification Checklist, it will be looked upon favourably by the LPA and is likely to be*

considered for approval.” The checklist sets out five key criteria which can be material to the determination of an application for housing:

1. The suitability of a site for housing, including its environmental sustainability.
2. Using land effectively and efficiently.
3. Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in the area and does not undermine wider policy objectives.
4. Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
5. Achieving high quality housing.

DRAFT NATIONAL PLANNING POLICY FRAMEWORK

7.63 Consultation on the Draft National Planning Policy Framework (DNPPF) ended on 17 October 2011. This document is a key part of the coalition government’s reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

7.64 A key part of the DNPPF is to significantly increase the supply of housing. Paragraph 109 indicates (in part) that to boost the supply of housing local planning authorities should:

“.....identify and maintain a rolling supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. The supply should include an additional allowance of at least 20 per cent to ensure choice and competition in the market for land”....

7.65 While the DNPPF can only be afforded limited weight until it is published in its final form the government’s intentions are clear and the 20% additional requirement mentioned above would effectively translate into a six year requirement (1,800 dwellings under current RS requirements). In HPBC that would, compound the need identified above to release land for housing now.

PLANNING FOR GROWTH

7.66 On 23 March 2011 the Planning for Growth Statement was issued by The Minister of State for Decentralisation (Mr. Greg Clark). The following parts of the Minister’s statement are worthy of note:

“The Chancellor has today set out further detail on our commitment to introduce a strong presumption in favour of sustainable development in the forthcoming National Planning Policy Framework, which will expect local

planning authorities to plan positively for new development; to deal promptly and favourably with applications that comply with up-to-date plans and national planning policies; and wherever possible to approve applications where plans are absent, out of date, silent or indeterminate.”

8. KEY ISSUES

8.1 Having regard to the provisions of the Development Plan and other material considerations outlined in chapters 6 and 7, we consider that the key issues in the determination of this Outline Planning Application can be summarised as follows:

- The need for additional housing development in HPBC.
- The suitability of Chinley as a location for further housing development.
- The suitability of the application site for the proposed development.
- Whether the proposals are premature and would undermine the spatial vision for HPBC.
- Whether the planning balance lies in favour of the proposals having considered the provisions of the Development Plan and other material considerations.

8.2 This Planning Statement now deals with the above issues in turn in the following chapters.

9. THE NEED FOR ADDITIONAL HOUSING DEVELOPMENT IN THE HIGH PEAK

9.1 PPS3 is considered in detail in Chapter 7 of this Statement but at this point it is worthy of note that Paragraph 55 states (in part):

“At the local level, Local Planning Authorities should set out in Local Development Documents their policies and strategies for delivering the level of housing provision, including identifying broad locations and specific sites that will enable continuous delivery of housing for at least 15 years from the date of adoption, taking account of the level of housing provision set out in the Regional Spatial Strategy”...

9.2 Paragraph 54 requires that Local Planning Authorities should identify sufficient specific deliverable sites to deliver housing in the first five years. Paragraph 55 of PPS3 goes further requiring Local Planning Authorities to identify a further supply of specific, developable sites for years 6-10 and, where possible, for years 11-15. Where it is not possible to identify specific sites for years 11-15, PPS3 requires broad locations for future growth to be indicated.

9.3 Paragraph 57 of PPS3 states:

“Once identified, the supply of land should be managed in a way that ensures that a continuous five year supply of deliverable sites is maintained i.e. at least enough sites to deliver the housing requirements over the next five years of the housing trajectory”.

9.4 Paragraph 71 of PPS3 goes on to state that:

“Where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in this PPS including the considerations in Paragraph 69”.

9.5 RSS Policy 13a (Regional Housing Provision) defines the distribution of regional housing provision for HPBC for the period 2006-2026. The requirement for HPBC is 300 dwellings per annum, equating to 6,000 dwellings over the RSS plan period. The draft NPPF includes provisions that may require an additional 20% to be allowed for.

9.6 An assessment of performance against RSS requirements can be made by looking at past completion rates in High Peak. HPBC's latest stated position on housing land supply was made to the HPBC Development Control Committee on 15 August 2011 in relation to Planning

Application Ref: HPK/2011/0282 (Land at Manchester Road/Crossings Road, Chapel-en-le-Frith).

- 9.7 An addendum report was produced in relation to that Committee item and is also provided at **Appendix 1** of this Planning Statement. This report stated:

“As noted within the [main Officers] report at paragraph 7, the Council as at March 2010 did not have a 5 year land supply. Since the completion of the committee report, officers have updated the present position on the 5 year supply. As of March 2011, the Council had 190 homes under construction, and a further 410 homes, yet to be started but with an extant consent. Between 2006 and 2011, 1405 homes were completed”.

- 9.8 The addendum report continued:

“Using the Regional Spatial Strategy figure and the need to provide 6000 new homes between 2006 and 2026, there was an outstanding requirement of 3995 new homes up to 2026. Consequently given the existing commitments (410), those homes which have been built (1405) and those currently under construction (190) the Council can only demonstrate a 2.25 year land supply. As such in order to demonstrate a 5 year supply as required by PPS3, a further 730 homes need to be provided for. Consequently in terms of the current land supply considerations, the application site would go some way to achieving this requirement”.

- 9.9 Therefore, by the Council's own admission, there is a significant undersupply of housing land within the High Peak. Consequently, there is an unequivocal and immediate strategic requirement for further housing sites to be developed.

- 9.10 In a recovered appeal decision dated 29 September 2011 relating to an appeal by Fox Strategic Land & Property for a proposal for 280 dwellings in Sandbach (PINS Ref: APP/R06660/A/10/2141564) the Inspector found a supply of between 2.75 – 3.65 years to be serious and significant and the Secretary of State agreed with this assessment.

- 9.11 In circumstances where a continuous 5 year supply of housing land is not evident the provisions of Paragraph 71 of PPS3 are triggered and the decision maker is required to give favourable consideration to planning applications for housing having regard to the provisions of Paragraph 69 of the guidance. That is the case here.

- 9.12 The Derbyshire Dales and High Peak Joint Housing Needs Surveys (2007) also states that for planning purposes, taking into account provision for commitments already made, the overall requirement is estimated at a minimum of 604 and a maximum of 752 affordable homes (net) per annum. Again, it is acknowledged by the Council that the shortfall in affordable housing

delivery remains an acute problem. This situation is exacerbated by low levels of house building within High Peak generally.

9.13 Since August 2011, HPBC has not resolved to grant planning permission for any significant residential developments which would help redress this shortfall. Officers have informally indicated that housing land supply was again recalculated at the end of September 2011 and found to be 2.4 years supply, although the calculations which underpin this assessment are not (at the time of writing) in the public domain.

9.14 PPS3 requires the 5 year supply of housing to be continuous and in HPBC there is not a continuous 5 year supply of housing land based on RS requirements and the Council acknowledge this. Favourable consideration must be given to the proposals in accord with Paragraph 71 of PPS3 and subject to the other tests set out in the guidance.

9.15 We also consider that the application proposals are in line with the Planning for Growth Statement issued by The Minister of State for Decentralisation (Mr. Greg Clark) on 23 March 2011 and Draft NPPF as referred to in Chapter 7 of this Statement.

SUMMARY

9.16 In summary, there is a clear and unequivocal need for new homes in the High Peak having regard to the provisions of the Development Plan and other material considerations.

10. SUITABILITY OF THE LOCATION FOR THE PROPOSED DEVELOPMENT

- 10.1 The East Midlands RSS was published March 2009. RSS Policy 3 (Distribution of New Development) establishes a settlement hierarchy and states that new development should be concentrated primarily towards the regions five Principal Urban Areas, growth towns and sub-regional centres. The development needs of other settlements and rural areas (including Chinley) should be provided for, whilst maintaining the distinctive character and vitality of rural communities; shortening journeys and facilitating access to jobs and services and strengthening rural enterprise and linkages between settlements and their hinterlands.
- 10.2 Chinley also lies within the Peak Sub-Area to which RSS Policy 8 (Spatial Priorities in and around the Peak Sub-area) applies. RSS Policy 8 provides a spatial framework for policy-making, requiring that policies should *inter alia* help to address the social and economic needs of the Park's communities, for example, by the provision of appropriate business premises and affordable housing.
- 10.3 The Draft Core Strategy, whilst in its infancy, also sets out the broad sub-regions within HPBC where new housing development is to be located to meet the RSS requirement for 6000 dwellings (Policy CS 13). We consider this to be a more appropriate reflection of the Council's stance on growth and to better reflect up to date national policy than the spatial elements of the relevant saved policies of the Local Plan. According to the Draft Core Strategy, some 1,250 new homes are to be provided in the Central Area, which as indicated previously in this Statement, includes Chinley. Whilst the exact figure to be provided may be subject to change, this presents a clear acceptance on the Council's part that some of the growth must be directed to the Central Area to meet RSS requirements.
- 10.4 On this basis we consider Chinley to be a suitable location for appropriate new development in particularly when the housing supply situation in the Borough is considered. Rather it will help address the obvious shortfall in provision that has occurred hitherto as well as helping to meet future needs. The application site is located to the south of Chinley centre, and was last used for industrial manufacturing purposes. Chinley offers essential facilities, regular bus services and access to a train station which provides services between Manchester, Sheffield and Nottingham. The application proposals being of an appropriate scale for the site, sustainably located and with good access to public transport comply with the spirit of these policies.

SUMMARY

- 10.5 In summary we consider that application site is clearly an appropriate location for mixed-use housing development having regard to the relevant provisions of the adopted Development Plan as well as the Council's emerging Core Strategy.

11. SUITABILITY OF THE SITE FOR THE PROPOSED DEVELOPMENT

INTRODUCTION

- 11.1 Whilst it is recognised that the application site is outside the existing Built-Up Area Boundary, it is physically contiguous. The site is also previously developed land and, by virtue of its designation as an employment site is a suitable site for development in principle.
- 11.2 There are a number of factors to be considered in determining the suitability of the site for the proposed development. These are dealt with in turn below.

LAND USE PRINCIPLES

- 11.3 The site is allocated as a Primary Employment Zone (PEZ) under saved Policy EMP4, which states that planning permission will not *normally* be granted for housing development unless the exceptional circumstances set out in Policy EMP4 apply.
- 11.4 This application responds to the spirit of this policy position in two ways.
- 11.5 Firstly, it is a mixed use development, therefore an element of commercial uses will be provided. Currently, the site makes no economic contribution to the Borough and has stood vacant since 2005 despite efforts from leading commercial agents to secure another industrial occupier/purchaser.
- 11.6 Secondly, it is demonstrated within the application documents that the regeneration of the entire site for employment alone is highly unlikely for a number of reasons. Therefore, the application proposals will generate a greater economic output from the site, in addition to delivering other social and environmental benefits, which must be preferable to the retention of a vacant, previously developed site.
- 11.7 On this basis, the provisions within saved Policy EMP9 are engaged, which supports mixed use developments on PEZ's where non-conforming uses are subservient to the employment use and the development achieves demonstrable *improvements* to the *size, quality* or *accessibility* of the employment premises or employment base.
- 11.8 The first of these criteria is fully considered within the application and supporting documents. Whilst the residential element is not subservient to the proposed commercial use, robust justification is provided which fully explains the practical, financial and commercial reasoning to the proposals. In terms of the second criteria, the proposals undoubtedly represent an improvement compared to the existing situation. The provision of 2,323 sq.m. of Class B1 floorspace (and community uses) can only be interpreted as an improvement on a vacant derelict site.

11.9 To illustrate how the site is compliant with the spirit of Policy EMP9, the application is accompanied by a Marketing and Viability Assessment. This reports provides a historic overview of how the site was marketed since 2005, an assessment of employment land supply within High Peak and a viability model which demonstrates how it would be unfeasible for an employment-led redevelopment of the site.

11.10 In summary, the site was marketed for employment uses by Nolan Redshaw from October 2005. This marketing continued for in excess of five years and throughout both a rising and falling property market.

11.11 However, despite best endeavours, the site attracted limited interest from industrial occupiers/purchasers and no offers were made throughout the period. The assessment also identifies a number of constraints affecting this site which, in the opinion of commercial agents, act as a clear disincentive to industrial occupiers, thereby affecting marketing potential, as follows:

- Narrow width of access road – Forge Road is in a reasonable condition but narrows to a width for approximately 6m (excluding provision for pedestrian access) which may be difficult for some large HGV's to access.
- Weight limits on the local highway network – There is a 7.5T weight restriction through Whitehough resulting in all traffic above this weight having to access the site via Chinley.
- Right of access to residential properties – the residents of the six cottages on Forge Terrace have a right of access over Forge Road, which is their only means of vehicular access.
- Presence of a watercourse through the site – this would impact on any redevelopment potential of the site or act as an operational encumbrance, creating an additional cost for an incoming industrial developer.
- Ground contamination – associated remediation costs would impact on viability.

11.12 It is perhaps not surprising that no interest was received for employment re-use or redevelopment despite the best efforts of the retained agents. Indeed the unsuitability of the site for future employment use is acknowledged in the Peak Sub Regional Employment Land Review (ELR) (August 2008) where at Paragraph 7.32 it is stated that:

“Forge Mill Chinley (7.42 ha), Newtown Industrial Area (7.1 ha) and Salem Mill (0.27 ha) are constrained in terms of their potential for future development, particularly with respect to access, quality and market attractiveness. The site at Chinley is in a remote location and in close proximity to residential properties”.

- 11.13 This same ELR also identified strategic employment land requirements within the High Peak for plan-making purposes. These recommendations were carried forward in the draft High Peak Core Strategy (2010) which indicated a strategic employment land requirement of 35 hectares¹ for the period 2008-2026.
- 11.14 The Marketing and Viability Assessment concludes that the current supply of available employment land within the High Peak equates to 53.91 hectares (Ha). Therefore, based on the Council's own calculations, there is a clear surplus of employment land.
- 11.15 The average take-up of employment land between 1992 – 2007² is documented at 2.1 Ha per annum. On this basis, the current employment land supply for the whole of the High Peak equates to 22.13 years (net of the application site). Therefore, it can be concluded that the loss of the application site from the overall supply of available employment land within High Peak is unlikely to prejudice economic development or the availability of employment land attractive to the market.
- 11.16 The Marketing and Viability Assessment also considers the costs of redeveloping the site purely for employment uses. It is estimated that development costs would equate to approximately £409,703 per hectare whereas the average land values for employment use range between £185,000 - £310,000 per hectare. Therefore, the disparity between costs and profit would indicate that redevelopment for employment uses alone, which Policy EMP4 aspires to achieve, is unviable.
- 11.17 Whilst this assessment does not purport to justify the balance of uses for which this application seeks permission on viability grounds, it does address the issue of why an employment-led redevelopment of the site would not be financially viable and, therefore, satisfies the relevant criteria of EMP9.
- 11.18 Policy EMP9 further states that in **all** cases, the development should not conflict with the principles of sustainability or the Green Belt and should achieve a strategic aim of the plan, which brings a greater benefit to the area than the retention of the existing use.
- 11.19 The proposals fulfil a strategic aim of the development plan by returning previously developed land back into beneficial use. Redevelopment will bring a vacant and underused site back into economic use and provide housing (including affordable housing) in a location where there is a clear, strategic need. The application site is visible from the surrounding Green Belt but the proposals will result in significant improvements in visual amenity once additional landscaping and replacement tree planting is established. The proposals, therefore, accord with the principles of sustainability and do not conflict with Green Belt policy.

¹ See Table 4 of the Draft Core Strategy

² Based on the most up-to-date Employment Land Review 2009

- 11.20 By delivering access to quality new housing and jobs and by providing public open space (either on-site or as a contribution in lieu) the proposals would unquestionably deliver greater benefits to the area than the retention of the existing use.
- 11.21 On this basis, it is demonstrated that the proposals comply with the relevant provisions of the development plan in principle and are further supported by emerging Core Strategy policy.

LANDSCAPE & VISUAL IMPACT

- 11.22 The LVIA prepared by TPM concludes that the proposed development can be delivered in a manner that, whilst exerting noticeable landscape and visual changes over the site and surrounding landscape will be overwhelmingly beneficial and, therefore, in accordance with saved Policy H11 of the HPBLP and PPS1.

TRAFFIC & HIGHWAYS

- 11.23 For transport assessment purposes, the proposals need to be considered in context of the lawful i.e. extant, use of the site for employment purposes and its designation as a PEZ in the saved HPBLP. Anticipated volumes of traffic arising from the redevelopment of the site for housing would compare favourably to industrial uses, particularly in relation to HGV movement through Chinley. The TA prepared by SCP concludes that the application proposal would lead to a 96 vehicle movement reduction in the busiest hour of the day when compared to the historic use of the site.

SITE ACCESS ARRANGEMENTS

- 11.24 Whilst there is a reduction in traffic, it is proposed to improve the site access by constructing an adoptable standard of access at the junction of Forge Road with Green Lane with adequate visibility splays. The access arrangements are therefore consistent with saved Policy TR1, TR4 of the HPBLP and PPG13.

THE ACCESSIBILITY OF THE SITE TO SHOPS AND SERVICES TO MEET DAY-TO-DAY NEEDS

- 11.25 The site is sustainable being some 800m from the centre of Chinley which has facilities for residents living at the development site. Along Lower Lane, approximately 10 minutes walk to the north of the site is a convenience store providing everyday groceries as well as a shoe repair service and dry cleaners. Other notable shops in the village are a post office which is open 6 days a week, and a pharmacy. There is also a doctor's surgery. These are all within a 15 minute walk from the application site and are therefore comfortably within acceptable walking distances defined in PPG 13.

SCHOOLS

- 11.26 Discussions have been undertaken with DCC Education Department and Chinley Primary School.
- 11.27 Chinley Primary School is near to capacity and it is appropriate that the proposed development mitigates the impact of new primary school pupils in the locality. This matter can be dealt with by way of a Section 106 Agreement.
- 11.28 DCC has confirmed that local secondary schools and post 16 education establishments have capacity to accommodate the development.

THE POTENTIAL OF THE PROPOSALS TO ENCOURAGE ALTERNATIVE MEANS OF TRANSPORT TO THE PRIVATE MOTOR VEHICLE

- 11.29 There are 4 bus services operating through the village. One of the services operates on an hourly basis and serves Buxton, Chapel-en-le-Frith and Whaley Bridge. Two of the other services are school services whereas a further service operates between Hayfield and Buxton, travelling through New Mills and Dove Holes. The nearest bus stops to the development site are located in Chinley village, approximately 500m (6 minute walk) from the entrance of the development site. Chinley also benefits from a railway station, which provides services between Manchester, Sheffield and Nottingham.

WALKING

- 11.30 The site is within 800m walking distance of the centre of Chinley and its associated facilities. Within 1km walk from the development site (equal to a 12 minute walk time) is Chinley railway station, allowing for easy access to employment opportunities in the larger towns and cities within the region. Bus stops can also be accessed within this walk distance, which can easily be utilised by both residents living at the site and for employees commuting to the offices.

CYCLING

- 11.31 The site is within cycling distance of Chinley, Whaley Bridge and Chapel-en-le-Frith, which is an ideal way of accessing local employment opportunities and leisure activities. When travelling by cycle, Chinley and Chapel-en-le-Frith railway stations can be accessed within this 5km distance. Overall, the cycle accessibility of the development provides a good opportunity for short trips to be made by cycle to and from the development site.

THE ABILITY OF THE SITE TO PROVIDE AFFORDABLE HOUSING

- 11.32 The submitted Affordable Housing Statement indicates an appropriate level of Affordable Housing can be provided in line with adopted policy but allowing for delivery of a successful development.

OPEN SPACE

- 11.33 Public open space will also be provided in accordance with policy, however, the format and location is a matter for determination in conjunction with Officers during consideration of the planning application.

ECOLOGY

- 11.34 Ecological matters are fully addressed in the Assessment carried out by TEP and submitted with the application. The proposal can come forward in line with this Assessment and its recommendations without causing harm to ecological interests.

CONTAMINATION

- 11.35 The Technical Appraisal (prepared by Copperleaf Group) deals with ground conditions, coal mining risk, waste management principles, utilities and energy. All of these matters can be controlled by condition.

FLOOD RISK

- 11.36 A small part of the site (north west corner) is within the active floodplain and a further area is at risk of flooding in the event of an extreme flood. The implications are fully considered in the accompanying Flood Risk Assessment. The proposed uses and their location are fully consistent with the requirements of PPS25.

ARCHAEOLOGY

- 11.37 The application has been informed by an Archaeological Desk-Based Assessment (prepared by Archaeological Research Services Ltd. The proposed layout does not conflict with archaeological interests which can be safeguarded through appropriate planning conditions.

SUMMARY

- 11.38 In view of the evidence presented above and in the supporting reports, the application site is clearly suitable for the proposed development, sustainably located and having significant

potential to encourage trips to shops and services to meet day to day needs by alternative modes of transport to the private motor vehicle. It is, therefore, compliant with the provisions of the Development Plan. Furthermore, there are compelling material considerations which also lend further support to the proposals.

12. PREMATUREITY AND SPATIAL VISION

INTRODUCTION

- 12.1 Given the stage of the Core Strategy and the position as regards saved policies in the Borough, prematurity, is a matter to be considered.

PPS3 TESTS

- 12.2 Paragraph 72 of PPS3 is clear:

“Local Planning Authorities should not refuse applications solely on the grounds of Prematurity”.

- 12.3 Of course Paragraph 72 of PPS3 has to be considered in the context of Criterion 5 of Paragraph 69 of PPS3 which advises that in general terms a decision maker should have regard to:

“Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.”

- 12.4 The application proposals are in line with planning for housing objectives in that they contribute to the role envisaged for the Central Area in emerging policy, will help meet housing demand and will make an important contribution to meeting housing need. The application proposals would certainly not undermine wider policy objectives as they would meet housing demand and need through the re-use of a vacant, sustainable previously-developed site.

- 12.5 In our view the location of the application site and the proposed development complies with the strategy outlined above.

THE PLANNING SYSTEM: GENERAL PRINCIPLES

- 12.6 Paragraphs 17 of the guidance indicates (in part) that:

“In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD.....”.

- 12.7 The application proposals would help to remedy an existing deficient housing land supply under the provisions of the adopted Development Plan. With regard to the emerging CS this envisages the Central Area accommodating future growth and hence there can be no conflict.
- 12.8 In any event the application proposals are not substantial in the context of the RSS requirement and there are no cumulative effects to consider.
- 12.9 Indeed Paragraph 18 of the guidance offers the following advice, which is particularly pertinent given the infancy of the Core Strategy:

“.....Where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question”.

- 12.10 In any event it is a well established principle of the planning system that each case should be assessed on its own merits.

SUMMARY

- 12.11 The application proposals would help to remedy an existing deficiency under the provisions of the adopted Development Plan and for the reasons above would not compromise the future spatial vision for HPBC were it to be delivered now.

13. CONDITIONS & SECTION 106 AGREEMENT

CONDITIONS

- 13.1 Should the Council be minded to approve planning permission a raft of planning conditions will need to be agreed.
- 13.2 At this stage the applicant's approach to affordable housing is worthy of consideration.
- 13.3 Whilst the quantum, mix and tenure of the affordable housing element will be agreed during the consideration of the application, the mechanism for achieving these benefits should be agreed at the outset.
- 13.4 It is proposed to secure the provision of affordable housing via use of a standard planning condition. This is preferred by Central Government and was supported in a recent appeal decision (Ref: APP/G4240/A/10/2141243) in Tameside from March 2011 (copy provided at **Appendix 2**).
- 13.5 The appeal decision relates to conditions requiring applicants to enter into Section 106 Agreements/pay financial contributions. Paragraph 6 of the Inspector's decision is relevant in relation to Forge Works:

"Where there is a choice between imposing planning conditions and entering into a planning obligation, it is Government policy that the imposition of an appropriate condition is preferable. However, Circular 11/95 The Use of Conditions in Planning Permissions and Circular 05/2005 Planning Obligations are clear that planning permission cannot be granted subject to a condition that requires developers to enter into a planning obligation".

- 13.6 As outlined to Officers during the course of pre-application discussions, it is the applicant's preference for affordable housing on the Forge Works site to be dealt with by way of a condition attached to the outline planning permission. Clearly this approach is also favoured by the Government and would avoid the delays sometimes associated with Section 106 Agreement negotiations. It should also be noted that both the Planning Inspectorate and Planning Officers Society have agreed such a condition for use in planning appeals and this is referred to as a model condition in advice to Inspectors. A suggested approach is set out below:

"The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS3 or any future guidance that replaces it. The scheme shall include:

- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made;*
- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;*
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);*
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and*
- v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced”.*

SECTION 106 AGREEMENT

- 13.7 Should HPBC be minded to grant planning permission, a planning obligation will be secured by way of a Section 106 Agreement. It is suggested that the following Heads of Terms be used as a basis for the preparation of a draft Section 106 Agreement.

EDUCATION CONTRIBUTION

- 13.8 Based on the parameters of this outline application, a commuted sum will be agreed and shall be paid in a phased manner as a contribution towards upgrading facilities at Chinley Primary School on Buxton Road only in order to accommodate additional pupils arising from the development.
- 13.9 Any Section 106 Agreement will need to include provisions for the return of monies (with interest) if the contributions are not spent within a defined timeframe (to be agreed).
- 13.10 No contribution is to be made towards secondary or tertiary age pupils as there is sufficient capacity according to DCC to accommodate pupils within existing catchment areas for the application site.

PUBLIC OPEN SPACE

- 13.11 The Council has indicated a preference to receive a payment to up-grade off-site public open space facilities in the locality but at the time of writing has not identified a facility, demonstrated need to fully justify, or indicated the sum to be paid. The applicants are willing to work with the Council to resolve this matter during consideration of the application and in general terms the

approach outline in respect of education contributions shall apply to off-site public open space contributions.

OFF-SITE HIGHWAY IMPROVEMENT

- 13.12 A commuted sum is to be agreed as a contribution towards the cost of upgrades to Green Lane. Triggers for payment are also to be agreed. Alternatively the applicants are happy to undertake the works subject to a Section 278 Agreement under the Highways Act.

14. SUMMARY OF BENEFITS AND CONCLUSIONS

14.1 Hourigan Connolly is instructed by Innovation Forge Ltd to submit an Outline Planning Application to High Peak Borough Council for the redevelopment of the Forge Works, Forge Lane, Chinley, Derbyshire, SK23 6BP. The application is being made jointly with Woodford Land Ltd.

14.2 The description of development is as follows:

“Demolition of all remaining structures and redevelopment for up to 182 dwellings, up to 2,323 sq.m. business floorspace (Use Class B1), up to 325 sq.m. of non-residential institution floorspace (Use Class D1), community facilities and associated infrastructure”.

14.3 The proposals are predicated on an urgent need to release land for housing in HPBC, having regard to:

- The housing requirements of the published RSS and the evidence base which has informed its preparation.
- The provisions of Paragraph 71 of PPS3 which requires favourable consideration be given to planning applications for housing where there is not a continuous five year continuous supply of housing land and sites meet the PPS3 Paragraph 69 tests.
- The emerging National Planning Policy Framework which proposes to require local planning authorities to maintain a six year supply of deliverable housing sites.
- The substantial need for affordable housing in HPBC which the proposals will help to address.

14.4 Having established the need for future housing in HPBC, it is appropriate to look at the role of the application site in meeting that need.

THE MERITS OF THE PROPOSALS

- The application site is previously developed and in private ownership. It is contracted to a developer and the site is fully deliverable.
- The application could make a significant contribution towards identified housing demand and need in HPBC.
- As well as delivering much needed open market and affordable housing the application proposals can be delivered without having an adverse effect on

the highway network when compared to the established use of the site. This will be to the benefit of the existing local community as well as new residents.

- The application proposals provide for improving access to the open countryside as well as providing for new areas of open space.
- The application proposals will bring about new on-site employment opportunities and community facilities generating local employment opportunities.
- There are no technical reasons why the site cannot be developed in the manner proposed.
- The development of the application site also has the potential to deliver a scheme that uses sustainable construction methods.
- Overall the application proposals can deliver a sustainable development and significant community benefits for which there is identified need.
- The application proposals are deliverable even in the current difficult market conditions.

THE PLANNING BALANCE

- 14.5 The application is brought forward having due regard to the provision of the Development Plan and other material considerations. However, as with every planning application, there is an element of planning balance and judgement to be exercised.
- 14.6 In this case the application is promoted on the basis that the planning balance clearly lies in favour of the proposals once the provisions of the Development Plan and other material considerations are fully assessed.
- 14.7 The application is being brought forward to rejuvenate a derelict industrial legacy site and on the basis that the Council cannot demonstrate a continuous five year supply of deliverable housing sites (as required by Paragraph 57 of PPS3). In such circumstances the Council should consider favourably planning applications for housing development (as required by Paragraph 71 of PPS3) that, in general meet the tests set out in Paragraph 69 of PPS3, where sites:
- Can deliver high quality housing.
 - Can provide a good mix of housing.
 - Are suitable for housing development.
 - Use land effectively and efficiently.

- Are in line with planning for housing objectives, reflecting the need and demand for housing in, and the spatial vision for, the area, and do not undermine wider policy objectives.

- 14.8 The Council is unable to demonstrate a continuous five year supply of deliverable housing sites. The position set out to Members is that the supply is 2.25 years. In such circumstances, favourable consideration should therefore be given to the proposals in accordance with the Paragraph 71 of PPS3 subject to the Paragraph 69 tests of PPS3.
- 14.9 With regard to the PPS3 Paragraph 69 tests the evidence produced in support of the application demonstrates that the proposals comply, accordingly favourable consideration should be given to the scheme.
- 14.10 The absence of a five year supply of housing land has been considered on appeal in respect of two different sites in Cheshire East where supply was found to be greater than that in the High Peak at between 2.75 and 3.65 years (referred to as the Richborough and Fox cases). In the Fox case (PINS Ref: APP/R06660/A/10/2141564) the Inspector found the shortfall to be serious and significant and the Secretary of State agreed with this assessment. In the Richborough case (PINS Reference: APP/R06660/A/10/2140255 & APP/R06660/A/10/2143265) the Secretary of State accepted his Inspector's view that this sizeable shortfall is a factor to which significant weight should be attached.
- 14.11 It follows that the current shortfall in housing supply in HPBC should also be afforded significant weight in the determination of the subject application.
- 14.12 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 14.13 In summary we consider that the planning balance lies clearly in favour of the application proposals.
- 14.14 On behalf of our client, it is respectfully requested that the Council grants planning permission for the proposed development for the reasons outlined herein.