

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

**APPEAL BY INNOVATION FORGE LIMITED
& WOODFORD LAND LIMITED**

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

**STATEMENT OF CASE
SUBMITTED IN ACCORDANCE WITH RULE 6(3)
OF THE
TOWN & COUNTRY PLANNING
(INQUIRIES PROCEDURE) (ENGLAND) RULES 2000**

PINS REFERENCE: APP/H1033/A/13/2189819/NWF

14 FEBRUARY 2013

CONTENTS

	PAGE NUMBER
1. INTRODUCTION	1
2. THE APPEAL SITE & SURROUNDING AREA	3
3. PLANNING HISTORY	4
4. STATUTORY AND OTHER DESIGNATIONS	5
5. THE DEVELOPMENT PLAN & OTHER MATERIAL CONSIDERATIONS	6
6. DOCUMENTS WHICH THE APPELLANTS MAY REFER TO	7
7. THE APPELLANT'S CASE	12
8. CONDITIONS	23
9. PLANNING OBLIGATION	24
10. SUMMARY	25

Hourigan Connolly
7 Swan Square
15 Swan Street
Manchester
United Kingdom
M4 5JJ

t/ 0161 300 3476
e/ info@houriganconnolly.com
w/ www.houriganconnolly.com

1. INTRODUCTION

BACKGROUND

- 1.1 On 31 May 2012 an outline planning application (all matters reserved save for means of access to the public highway) was lodged with High Peak Borough Council (hereafter referred to as HPBC) by Hourigan Connolly on behalf of Innovation Forge Limited and Woodford Land Limited (hereafter referred to as 'the Appellants'). The outline planning application was allocated Reference HPK/2012/0323 and proposed the redevelopment of Forge Works, Forge Road, Chinley, Derbyshire, SK23 6BP (hereafter referred to as the appeal site) for up to 182 dwellings, up to 1,672 sq. m. business floorspace (Use Class B1), up to 279 sq. m. of non-residential institution floorspace (Use Class D1), community facilities and associated infrastructure.
- 1.2 The outline application was considered by the Development Control Committee of HPBC on 3 September 2012 where Members resolved to defer determination of the application pending further highways advice from the Derbyshire County Council (who is the Highways Authority) and an independent highways consultancy. The outline application was subsequently considered by the Development Control Committee of HPBC on 26 November 2012 and was refused. The Council's Decision Notice is dated 30 November 2012.
- 1.3 An appeal was lodged against HPBC's refusal of planning permission on 20 December 2012.
- 1.4 Correspondence dated 4 January 2013 received from the Planning Inspectorate confirms that the appeal is valid and that the Public Inquiry procedure is appropriate.
- 1.5 The appeal was subsequently allocated a start date of 4 January 2013 and the Inquiry is scheduled to start on 23 April 2013 and last for up to 4 days.

FORMAT

- 1.6 Rule 6(3) of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 requires that within 6 weeks of the start date of the appeal Appellants ensure that The Secretary of State receives 2 copies of their Statement of Case and a copy is sent to any statutory party.
- 1.7 This document comprises the Appellants' Statement of Case and is structured as follows:
- Chapter 2 – The Appeal Site & Surrounding Area.
 - Chapter 3 – Planning History.
 - Chapter 4 – Statutory Designations.
 - Chapter 5 – The Development Plan & Other Material Considerations.

- Chapter 6 – Documents Which The Appellants May Refer To.
- Chapter 7 – The Appellant's Case.
- Chapter 8 – Conditions.
- Chapter 9 – Planning Obligation.
- Chapter 10 – Summary.

2. THE APPEAL SITE & SURROUNDING AREA

- 2.1 The Appellants will describe the appeal site and surrounding area.
- 2.2 The Appellants will describe the local highway network.
- 2.3 The Appellants will identify local facilities and services to meet day-to-day needs.
- 2.4 The Appellants will identify local Parish Council boundaries as the appeal site lies within the administrative area covered by Chinley, Buxworth and Brownside Parish Council and Chapel-en-le-Frith Parish Council.

3. PLANNING HISTORY

- 3.1 The Appellants will refer to site specific planning history and examine its relevance to the appeal proposals and the Council's reasons for refusing planning permission.
- 3.2 The Appellants will also refer to other planning decisions within the HPBC administrative area dealt with as applications/appeals and that are of relevance to consideration of the appeal proposals.

4. STATUTORY AND OTHER DESIGNATIONS

CHINLEY & WHITEHOUGH CONSERVATION AREA

- 4.1 The junction of Forge Road, Whitehough Head Lane and Green Lane lies within the Chinley and Whitehough Conservation Area designated in 1990. A small part of Forge Road within the appeal site lies within the Conservation Area.
- 4.2 The Appellants will describe in evidence the character and appearance of the Conservation Area in this part of Chinley.
- 4.3 The Appellants will assess the potential impact of the appeal proposals on the character and appearance of the Conservation Area having regard to Section 72 of the Planning (Listed Building & Conservation Areas) Act 1990 which requires that in exercising planning functions special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 4.4 The Appellants will also examine the potential impact of the appeal proposals on the setting of the Conservation Area as the majority of the appeal sites lies outside of the Conservation Area.

PUBLIC RIGHTS WAY

- 4.5 The Appellants will refer in evidence to the existing Public Right of Way adjacent to the southern boundary of the appeal site and to the public right of way along the western boundary of the appeal site. The Appellants will demonstrate that Public Rights of Way will not be adversely affected by the proposals and that no diversion or closure orders are required.
- 4.6 The Appellants will describe the benefits for public rights of way that would materialise from the appeal proposals.

FLOOD RISK

- 4.7 The Appellants will refer to areas of flood risk affecting the appeal site in evidence (see Chapter 7 with regard to the flood risk evidence that will be produced).

5. THE DEVELOPMENT PLAN & OTHER MATERIAL CONSIDERATIONS

THE DEVELOPMENT PLAN

5.1 The Development Plan comprises:

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

5.2 The Appellants will refer to and assess the provisions of the Development Plan in evidence.

5.3 The HPBLP was not prepared under the provisions of the Planning and Compulsory Purchase Act 2004. Having regard to Section 215 of the National Planning Policy Framework (hereafter referred to as the Framework) and to the fact that by the time the Inquiry begins the Framework will have past its twelve month anniversary the Appellants will examine in evidence the degree of consistency between relevant HPBLP policies and the Framework. Having undertaken a consistency assessment the Appellants will set out in evidence the weight that should be applied to relevant HPBLP policies.

OTHER MATERIAL CONSIDERATIONS

5.4 The Appellants will demonstrate that other material considerations exist which should be afforded significant weight in the determination of this appeal. These other material considerations are identified in Chapter 6.

6. DOCUMENTS WHICH THE APPELLANTS MAY REFER TO

APPLICATION DOCUMENTS

6.1 The Appellants will refer to the following documents in respect of the outline planning application:

- Correspondence.
- Application forms.
- Plans and drawings.
- Technical documents submitted in support of the outline planning application.
- The draft Section 106 Agreement.
- The Planning Officer's reports to Development Control Committee and other reports considered by Members in determining the planning application.
- HPBC's Decision Notice.

APPEAL DOCUMENTS

6.2 The Appellants will refer to the following documents in respect of the planning appeal:

- The Grounds of Appeal.
- Any documents which emerge as a result of the appeal proceedings.

THE DEVELOPMENT PLAN

6.3 The Appellants will refer to the Development Plan identified in Chapter 5.

OTHER MATERIAL CONSIDERATIONS

6.4 The Appellants will refer to the following other material considerations:

HPBC DOCUMENTS

6.5 The Appellants will refer to the following:

- HPBC & Derbyshire Dales District Council (DDDC): Draft Joint Core Strategy (June

2010) – now abandoned.

- HPBC: Local Plan Options Consultation (September 2012) and supporting/evidence based documents currently listed on the Council's web site:
 - DDDC and High Peak Housing Target Options Paper (December 2011).
 - Strategic Housing Land Availability Assessment (SHLAA) (June 2009).
 - Infrastructure Appraisals: Central Sub Area (September 2012).
 - Household and population forecasts.
 - Peak Sub-Region Employment Land Review (August 2008).

6.6 Additionally, the Appellants may refer to any relevant documents, committee reports/decisions relating to the Local Plan that emerge in advance of or during the Inquiry.

6.7 The Appellants will also refer to the following documents:

- HPBC – Housing Restraint Supplementary Planning Document (SPD) (2006).
- HPBC – Interim Housing Policy Statement.
- DDDC & HPBC: Peak Sub Region Strategic Housing Market Assessment (December 2008).
- HPBC - 5 Year Housing Land Supply Assessment (to 31.03.12 and 31.09.12) – provided by Hilary Senior of HPBC via email dated 15 January 2013.
- Peak Sub Region Joint Housing Needs Survey (March 2007).
- HPBC: Housing Needs in High Peak SPD (November 2007).
- DDDC & HPBC: Affordable Housing Viability Assessment (January 2010).
- HPBC: Planning Obligations SPD (December 2005).
- HPBC: Landscape Character SPD (March 2006).
- Peak Sub Region Open Spaces Assessment Report (February 2009).
- Peak Sub Region Sports Assessment Report (February 2009).
- DDDC, HPBC & Peak District National Park Authority (PDNPA): Peak Sub Region Strategic Flood Risk Assessment: Level 1 (September 2008).

- HPBC: Annual Monitoring Reports.
- Committee reports relating to other planning applications.

CENTRAL GOVERNMENT DOCUMENTS

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

- 6.8 The Appellants will refer to the Framework (March 2012) and to the accompanying Technical Guidance in relation to Flood Risk.

STRATEGIC HOUSING LAND AVAILABILITY ASSESSMENTS

- 6.9 The Appellants will refer to Strategic Housing Land Availability Assessments: Practice Guidance (August 2007).

CIRCULARS

- 6.10 The Appellants will refer to Circular 11/95: The Use of Conditions in Planning Permissions.

REGULATIONS

- 6.11 In addition to the Regulations governing the appeal proceedings the Appellants will also refer to the Community Infrastructure Levy Regulations 2010 and the Community Infrastructure Levy (Amendment) Regulations 2011.

FORMER OFFICE OF THE DEPUTY PRIME MINISTER DOCUMENTS

- 6.12 The Appellants will refer to the Planning System: General Principles (January 2005).

HM TREASURY AND DEPARTMENT FOR INNOVATION & SKILLS DOCUMENTS

- 6.13 The Appellants will refer to The Plan for Growth (March 2011).

CHIEF PLANNING OFFICER LETTERS

- 6.14 The Appellants will refer to various "Dear Chief Planning Officer" letters issued by the government's Chief Planner.

DfT & CIHT DOCUMENTS

6.15 The Appellants will refer to the following documents:

- DfT DMRB TA 79/99 Traffic Capacity of Urban Roads.
- DfT DMRB TA 22/81 Vehicle Speed Measurement on All Purpose Roads.
- DfT Manual for Streets.
- CIHT Manual for Streets 2.
- DfT Guidance on Transport Assessments.
- DfT Good Practice Guidelines: Delivering Travel Plans Through the Planning Process (April 2009).
- DfT Making Residential Travel Plan Work: Good Practice Guidelines (2005).

PLANNING INSPECTORATE DOCUMENTS

6.16 The Appellants will refer to various advice notes for Inspectors issued by the Planning Inspectorate and related Practice Guidance including:

- National Planning Policy Framework (Revised 13 August 2012).
- Model Conditions (2010).
- Planning for Growth (March 2011).
- Localism Bill: Royal Assent and Regional Strategies (July 2012).

ENGLISH HERITAGE DOCUMENTS

6.17 The Appellants will refer to PPS: 5 Planning for the Historic Environment Practice Guide (March 2010) and to the revision note issued by English Heritage in June 2012.

OTHER LOCAL CONSIDERATIONS

6.18 The Appellants will refer to the local property market, prices and demographic data.

6.19 The Appellants will also refer to the Neighbourhood Planning Process underway in the Parish of Chapel-en-le-Frith. The Appellants will refer to documents produced by Chapel Vision, the body leading the Neighbourhood Planning Process.

6.20 The Appellants will refer to other planning applications and committee reports for housing development in the High Peak.

- 6.21 The Appellants will refer to the Inspector's decision letter dated 23 August 2012 in relation to an appeal by Barratt Homes against the decision of HPBC to refuse outline planning permission for residential development relating to land at Manchester Road/Crossings Road, Chapel-en-le-Frith, High Peak, Derbyshire, SK23 9TP (PINS Reference: APP/H1033/A/11/2159038). The Appellants will also refer to the evidence prepared by the Council in relation to this case.

OTHER MATTERS

- 6.22 The Appellants will also refer to appeal decisions relating to land outside of the High Peak where the issue of housing land supply was considered.
- 6.23 The Appellants will also refer to appeals outside of the High Peak concerning highways matters.
- 6.24 The Appellants reserve the right to refer to other relevant documents that might be produced before or during the Inquiry.

7. THE APPELLANT'S CASE

HPBC'S REASONS FOR REFUSAL OF PLANNING PERMISSION

7.1 The outline planning application was refused on two grounds and these are reproduced below for ease of reference:

1. In the interests of highway safety, including pedestrian safety, because of the deficiencies in emerging vehicle visibility at the junction of Forge Road and Whitehough Head Lane / Green Lane and the substandard nature of the immediate highway network at Whitehough Head Lane and Green Lane, including the lack of pavements, which cannot be satisfactorily mitigated against. The proposal is therefore contrary to Policies TR4 and TR5 of the High Peak Local Plan and advice in the National Planning Policy Framework in particular paragraphs 32, 34 and 35.
2. In the absence of a completed legal agreement to secure appropriate community infrastructure the proposal would result in addition pressures upon existing play area, open spaces, affordable housing, schools and the public highway. The development is therefore contrary to the adopted Planning Obligations Supplementary Planning Document, December 2005.

7.2 In respect of the above reasons for refusal the Appellants will respond as follows:

THE CASE FOR THE APPELLANTS - FIRST REASON FOR REFUSAL

MOTOR VEHICLE USERS & PEDESTRIAN SAFETY

7.3 The Appellants will refer to the planning history of the site, the site's status in the HPBC Local Plan, the Transport Assessment submitted with the outline planning application, to correspondence with the Highways Authority and supplemental Technical Notes prepared by the Appellants highways engineers during the planning application process. All of the documents mentioned above were deposited with the Planning Inspectorate when the appeal was lodged on 20 December 2012.

7.4 The Appellants will describe the existing highway network and relevant junctions.

7.5 The survey information and accident data contained with the above mentioned documents will also be referred to as will relevant technical guidance outlined in Chapter 6.

7.6 The Appellants will demonstrate that visibility at the junction of Forge Road, Whitehough Head Lane and Green Lane is not adversely affected by the appeal proposals. Indeed the appeal

proposals will improve the junction and the surrounding highway network. The Appellants will describe the measures proposed and benefits that would be delivered. The Appellants will also demonstrate that the junction has operated safely in the past and would continue to do so if the appeal were allowed. The Appellants will refer to the agreements reached with the Highways Authority during the planning application process about trip rates, vehicles speeds and visibility.

7.7 With regard to pedestrian safety the Appellants will describe the existing pedestrian facilities and the proposed pedestrian safety measures that form part of the scheme. The Appellants will refer to the agreements reached with the Highways Authority during the planning application process about the proposed pedestrian measures.

7.8 The Appellants will demonstrate that pedestrian safety has been fully considered and that adequate measures are proposed to protect pedestrians. The Appellant will demonstrate that the pedestrian measures proposed would benefit existing users of Green Lane and Whitehough Head Lane and are unlikely to materialise without the proposed development.

7.9 The Appellants will conclude that the appeal scheme will not prejudice the safety of motor vehicle users, cyclists or pedestrians.

SAVED POLICY TR4

7.10 Saved Policy TR4 of the High Peak Local Plan states that:

“Planning 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.*

Where a proposed development generates significant travel movements, the proposal will be accompanied by a transport assessment study to assess the likely effects of the development on the local transport network.

Where appropriate, conditions will be imposed, and/or planning obligations sought, to ensure that adequate highway improvements, traffic management measures and/or public

transport infrastructure are provided or implemented before the development is brought into use”.

- 7.11 In assessing Policy TR4 the Appellants will refer to the historic use of the appeal site, trip rates associated with the previous use of the land, trip rates associated with those uses identified as appropriate in the High Peak Local Plan and trip rates associated with the proposed development.
- 7.12 The Appellants will demonstrate that the appeal proposals would not result in an increase in trip rates having regard to the above matters. Furthermore it will be demonstrated that the local highway network can accommodate the appeal proposals without harm to highway safety or local amenity. In terms of local amenity the benefits of redeveloping the site in the manner proposed will be outlined.
- 7.13 The Appellants will outline the conditions that would deliver the proposed highway improvements. Matters relating to public transport improvements are to be dealt with in a Section 106 Agreement.
- 7.14 Having regard to the points made above the Appellants will demonstrate that the appeal proposals are compliant with Saved Policy TR4.

SAVED POLICY TR5

- 7.15 Saved Policy TR5 of the High Peak Local Plan states that:

“Planning permission will be granted for development, provided that:

- it will make safe and appropriate provision for access and egress by pedestrians, cyclists, public transport users and the private car.*
- it includes a high standard of design and layout having regard to the parking, access, manoeuvring, servicing and highway guidelines set out in Appendix 1 (Parking Standards), and relevant Government Guidance and Good Practice, where appropriate.*

Where the development is expected to generate a higher level of car use than can be accommodated by the maximum parking standards or will significantly exacerbate existing traffic problems, the applicant should submit a Travel Plan to reduce car dependency.

Where appropriate, conditions will be imposed, and/or planning obligations sought, to ensure that adequate parking, manoeuvring and servicing space will be available at all times”.

- 7.16 As set out above the Appellants will demonstrate that the proposals make safe and appropriate provision for access and egress by all users and will deliver highway improvements for the benefit of existing and new users of the highway.
- 7.17 The proposals are presented in outline with all matters reserved (save for means of access to the public highway). The Appellant will demonstrate that there is no evidence to suggest that a high standard of design could not be delivered at the reserved matters stage and through the submission of details pursuant to the planning conditions proposed.
- 7.18 The Appellants will refer to the Interim Travel Plan submitted with the planning application that was prepared in an effort to help reduce car dependency.
- 7.19 The Appellants will demonstrate that the proposals are compliant with Saved Policy TR5 of the High Peak Local Plan.

THE FRAMEWORK – SECTION 32

- 7.20 Section 32 of the Framework states that:

“All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people;*
and
- *improvements can be undertaken within the transport network that*

cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”.

- 7.21 The appeal proposals are supported by a Transport Assessment (TA) the scope of which was agreed with the Highways Authority. Additionally, the proposals are accompanied by an Interim Travel Plan to encourage sustainable forms of transport.
- 7.22 As set out above the Appellants will demonstrate that the proposals will result in safe and suitable access for all users and will not result in any severe transport/highways related impacts.
- 7.23 The Appellants will demonstrate that the appeal proposals are compliant with Section 32 of the Framework.

THE FRAMEWORK – SECTION 34

- 7.24 Section 34 of the Framework states that:

“Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas”.

THE FRAMEWORK – SECTION 34

- 7.25 The appeal site is located in a rural area adjoining the village of Chinley and this sets the context for any assessment of highway improvements proposed.
- 7.26 As set out above the proposals are accompanied by an Interim Travel Plan to encourage sustainable means of transport. However the Appellants will demonstrate that the appeal proposals are within walking and cycling distance of shops, services and public transport to meet day-to-day needs.
- 7.27 The Appellants will demonstrate that the appeal proposals are compliant with Section 34 of the Framework.

THE FRAMEWORK – SECTION 35

7.28 Section 35 of the Framework states that:

“Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to:

- *accommodate the efficient delivery of goods and supplies;*
- *give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;*
- *create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;*
- *incorporate facilities for charging plug-in and other ultra-low emission vehicles; and*
- *consider the needs of people with disabilities by all modes of transport”.*

7.29 Acknowledging that the appeal proposals are presented in outline with all matters reserved (save for access to the public highway) and that the site is located in a rural area the Appellants will demonstrate that the appeal proposals:

- Would not cause any problems for the delivery of goods and supplies.
- Make provision for pedestrians and cyclists and have access to public transport facilities (bus and rail).
- Will result in a safe and secure development which minimises conflicts between traffic and cyclists and pedestrians and will not result in street clutter.
- Have the potential to deliver home zones at the reserved matters stage.
- Have the potential to deliver facilities for charging plug-in and other ultra-low emission vehicles at the reserved matters stage.

- Can accommodate people with disabilities with details being forthcoming at the reserved matters stage.

7.30 The Appellants will demonstrate that the appeal proposals are compliant with Section 35 of the Framework.

THE CASE FOR THE APPELLANTS - SECOND REASON FOR REFUSAL

7.31 The Appellants understanding is that the second reason for refusal has been included within the Decision Notice as a precautionary measure to ensure that, should the Secretary of State be minded to allow the appeal, appropriate contributions will be secured from the Appellants in accordance with the adopted Planning Obligations Supplementary Planning Document. However it is worthy of note that the second reason for refusal formed no basis of the discussion amongst Members of the Development Control Committee and was not part of the motion upon which Councillors voted.

7.32 In any event it is a matter of factual record that the Appellants have been engaged in an ongoing dialogue with HPBC about Planning Obligations since 2011.

7.33 A draft Section 106 Agreement was submitted with the outline planning application in May 2012. This formed the basis of further discussions with HPBC Planning Officers and the Borough Solicitor during the consideration of the outline planning application. Those discussions led to a final draft Section 106 Agreement being deposited with HPBC on 5 November 2012 to which no response was received before the application was determined.

7.34 The Appellants remains committed to ongoing discussions with HPBC regarding the Planning Obligation and these discussions are underway. Accordingly, the Appellants will address the second reason for refusal through a Planning Obligation which will be submitted to the Planning Inspectorate in advance of the Public Inquiry.

7.35 The Appellants will describe the Planning Obligations proposed in evidence and assess them against the provisions of the Development Plan, the Council's Planning Obligations SPD and the CIL Regulations.

OTHER MATTERS

7.36 The Appellants acknowledge also that the appeal proposals are subject to some local opposition. The Appellants intend to address the concerns expressed by interested parties in evidence.

7.37 Under the provisions of Section 79(1) of the Town & Country Planning Act 1990 (As amended) the Appellants acknowledge that the Secretary of State may determine the appeal as if the application had been made to him in the first instance. In this respect the Appellants are working with the Council on a Statement of Common Ground so save Inquiry time. However this has yet to be settled and thus having regard to the statutory provisions and local opposition mentioned above the Appellants will deal with the following matters in evidence.

HOUSING LAND SUPPLY

7.38 Section 14 of the Framework establishes a presumption in favour of sustainable development. For decision-taking this means (unless material considerations indicate otherwise):

- *“approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted.”*

7.39 The Appellant will demonstrate that the appeal proposals meet current (housing) needs in a manner which does not compromise the ability of future generations to meet their own needs; they therefore comprise sustainable development and should benefit from the presumption in favour of such development as stated in Section 14 of the Framework.

7.40 In the context of decision taking (Section 14 of the Framework) the Appellant will demonstrate that the documents produced on behalf in respect of the planning application illustrate that the proposals largely accord with the provisions of the Development Plan (we deal with the weight to be attributed to the Local Plan in the context of the Framework in the following paragraph) and there are significant material considerations which indicate that planning permission ought to be granted.

7.41 The Appellants will refer to Section 49 of the Framework in respect of situations where a local authority cannot demonstrate that it is able to meet a five year housing land supply and where in such cases the relevant policies of the Local Plan should not be considered to be up to date.

7.42 The Appellants will demonstrate that HPBC does not have a five year supply of deliverable housing sites and that this in turn 'triggers' the second part of Section 14 which creates an 'in principle' presumption in favour of the appeal proposals, subject to weighing all material considerations.

7.43 The Appellants will refer to the last sub paragraph of Section 14 of the Framework which is therefore engaged and will demonstrate that there are no significant and demonstrable effects arising from the proposals which indicate that planning permission should be withheld.

DELIVERABILITY

7.44 The Appellants will describe the ownership arrangements of the site and how the development would be delivered and the resulting benefits.

REMEDATION

7.45 The Appellants will refer to the remediation work required to secure the regeneration of the site.

ECONOMIC CONSIDERATIONS

7.46 The Appellants will refer to the previous use of the appeal site and the efforts made to reuse it for employment purposes.

7.47 The Appellants will refer to the proposed commercial elements of the scheme and children's day nursery and will demonstrate how these facilities propose to respond to local economic signals/available evidence.

7.48 The Appellants will refer to the economic benefits that the appeal scheme would deliver.

7.49 The Appellants will also refer to the significant scale of development that would be required to secure regeneration of the appeal site.

HOUSING NEED & DEMAND

7.50 The Appellants will refer to local housing needs and demonstrate how the appeal proposals contribute to meeting those needs.

LOCAL FACILITIES

- 7.51 The Appellants will outline the measures proposed to improve local open space and community facilities in accordance with local priorities.

EDUCATION

- 7.52 The Appellants will outline the measures proposed to mitigate the impact on Chinley Primary School.

FLOODING

- 7.53 The Appellants will demonstrate that flood risk can be appropriately managed on this site as agreed with the Environment Agency.

PROTECTED SPECIES & HABITAT IMPROVEMENT/CREATION

- 7.54 The Appellants will refer to the ecological assessments undertaken and show that there are no ecological barriers to development taking place.
- 7.55 The Appellants will refer to the potential to improve existing habitat on the site and the creation of new areas of habitat for wildlife all of which will be managed for the benefit of the new and existing community.

LANDSCAPE & VISUAL IMPACT

- 7.56 The Appellants will refer to the landscape assessment work undertaken and will illustrate that while the proposals will exert noticeable landscape and visual change over the site and surrounding landscape the changes will be overwhelmingly beneficial.

ARCHAEOLOGICAL INTERESTS

- 7.57 The Appellants will demonstrate that any archaeological interest can be secured by way of a planning condition.

PUBLIC ACCESS TO THE COUNTRYSIDE

- 7.58 The Appellants will describe how the proposals will secure active management of the public right of way crossing the site.

NEW HOMES BONUS

- 7.59 The Appellants will refer to the New Homes Bonus. Such monies are in addition to those which will be secured by way of the Section 106 Agreement and are a material consideration in the determination of the appeal.

OFF-SITE HIGHWAY WORKS

- 7.60 As set out above a package of measures are proposed for Green Lane/Whitehough Head Lane. The Appellants will describe the extent of the works, how they will improve pedestrian safety, reduce vehicle speeds and improve the existing drainage in the road.

SUSTAINABLE TRANSPORT IMPROVEMENTS

- 7.61 The Appellants will describe proposals for enhancement of nearby bus and train facilities and funding for a pedestrian link to Chinley Primary School.

OTHER TECHNICAL CONSIDERATIONS

- 7.62 The Appellants will demonstrate that there are no technical reasons relating to land ownership, the availability of utilities, drainage, coal mining etc which would prevent planning permission being granted.

8. CONDITIONS

- 8.1 The Appellants will endeavour to agree a list of conditions with HPBC to be imposed should the Inspector be minded to allow the appeal and grant planning permission.

9. PLANNING OBLIGATION

- 9.1 A draft Section 106 Agreement was submitted to HPBC as part of the planning application process.
- 9.2 The parties to the Section 106 Agreement are continuing discussions with the aim of a Planning Obligation being submitted in advance of the Inquiry commencing.

10. SUMMARY

- 10.1 Rule 6(3) of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 requires that within 6 weeks of the start date of the appeal, Appellants ensure that The Secretary of State receives 2 copies of their Statement of Case and a copy is sent to any statutory party.
- 10.2 This document has set out the Appellant's Statement of Case.