HPK/2013/0319

Freeth Cartwright LLP

# PLANNING STATEMENT

# OUTLINE APPLICATION FOR PROPOSED RESIDENTIAL DEVELOPMENT FOR LAND AT HALLSTEADS, DOVE HOLES, DERBYSHIRE.

## PREPARED ON BEHALF OF JALO ENTERPRISES CO. LTD

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**CONTENTS**


1. INTRODUCTION ..... 3
2. THE APPLICATION SITE, LOCATION AND SURROUNDINGS ..... 4
3. THE PROPOSAL ..... 5
4. PLANNING POLICY AND GUIDANCE ..... 6
5. MATERIAL CONSIDERATIONS ..... 16
6. HERITAGE STATEMENT ..... 21
7. SUSTAINABILITY STATEMENT ..... 22
8. HEADS OF TERMS ..... 24
9. CONCLUSIONS ..... 25

## 1. INTRODUCTION

1.1. This Planning Statement supports an outline planning application by Jalo Enterprises Co. Limited for a residential development on land at Hallsteads, Dove Holes, Derbyshire. The application seeks planning permission in outline for a residential development with all matters reserved for future approval.

1.2. This Planning Statement describes the site and its locality. It considers the prevailing planning policy framework and assesses the proposal against this framework to conclude that the proposal accords with all the material considerations that would justify the granting of planning permission on this site.

## 2. THE APPLICATION SITE, LOCATION AND SURROUNDINGS

2.1. The development site is located on the northern edge of the village of Dove Holes on land to the east of the A6 Hallsteads Road.

2.2. The site is bordered by existing residential development to the south and west. Adjacent to the southern boundary of the site lies The Meadows, a housing development of approximately 66 dwellings which was granted planning permission in phases between 1997 and 1999. There have been no major residential developments within the village since this development. A line of houses known as the 'Brickrows Cottages' lies to the west of the site along the east side of the A6 Hallsteads. The northern and eastern perimeter of the site borders the Black Brook watercourse. Immediately to the east of this watercourse lies Ridgeclose Farm.

2.3. Dove Holes is situated approximately 4.8 km to the north of Buxton and 2.6 km to the south of Chapel-en-le-Frith. The village has a population of 1,200 inhabitants. Within the village there are a number of shops and services including a general store, a primary school and a public house. The nearest secondary schools are located in Chapel-en-le-Frith and Buxton.

2.4. The development site is well located for access to bus services with two bus stops on Hallsteads near Beelow Close, within 300 metres of the development site. Service Number 199 provides a frequent service to Buxton to the south and to Manchester Airport to the north. A railway station is located approximately 1.1km from the site. From the railway station there are frequent train services to Manchester and Buxton.

2.5. The site has no non-statutory nature conservation designation. There is however a Local Wildlife site (LWS) immediately to the east of the site (Ridgeclose Rocks) on the site of a former quarry. Two other LWS occur within 1km of the site. These are Longridge Lane Fields, the nearest part of which is 750m south of the site, and Dove Holes Spoil Heaps, which is located 750m south-east from the site.

2.6. In summary, the application site is in a highly sustainable location, situated in close proximity to key services and shops and served by frequent public transport links. The site is outside of the designated Green Belt and is adjacent to the existing built framework of Dove Holes.

## 3. THE PROPOSAL

3.1. This outline application is for a residential development with all matters reserved. The precise format and layout of the development will be the subject of discussion with the Council and submitted as part of a Reserved Matters application.

3.2. It is proposed that the principal access to the development will be from the A6 Hallsteads via the existing residential estate road known as The Meadows to the south of the site. The Meadows has been designed with sufficient capacity for the proposed development. All key infrastructure services which will serve the proposed development are also available from this road with capacity to serve the development. Drainage systems were built across the application site during the construction of the adjacent housing development and therefore drainage arrangements are already in place for the proposed development.

3.3. The layout and built form of the development will draw inspiration from the surrounding landscape and the local character of Dove Holes. The houses will be of high quality, using sustainable materials which will complement the surrounding buildings forms, materials and colours of neighbouring developments.

3.4. The overall principle of the development is to provide a high quality, sustainable residential development. A separate illustrative site layout has been produced to accompany this outline application to demonstrate how a residential development can be delivered on the site. The illustrative site layout shows a total of 58 dwellings. These comprise of the following mix:

- 3 bed units - 25
- 4 bed units – 33

3.5. The illustrative site layout has been designed to add to the overall mix of house types in the locality whilst also responding to the character and density of surrounding housing.

3.6. The proposals will also provide an opportunity to enhance the biodiversity of the site through good landscape design, including areas of native planting, particularly around the boundaries of the site.

## 4. PLANNING POLICY AND GUIDANCE

4.1. This section will outline the planning policy background which is relevant to the site and the proposed development. Policies will be considered in the following sections:

- National Planning Policy Framework
- Regional Guidance
- Local Policy

**National Planning Policy Framework**

4.2. The National Planning Policy Framework was published in March 2012. The Framework sets out the Government's planning policies for England and how these are expected to be applied.

**Achieving Sustainable Development**

4.3. Paragraph 6 describes that the purpose of planning is to contribute to the achievement of sustainable development. The planning system needs to perform a number of roles:

- An economic role
- A social role
- An environmental role.

**The Presumption in Favour of Sustainable Development**

4.4. Paragraph 14 states that at the heart of the Framework is a presumption in favour of sustainable development. For decision taking this means:

- 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.

**Core Planning Principles**

4.5. The Framework sets out in Paragraph 17 the core planning principles which should underpin both plan-making and decision- marking. This includes the principles that planning should "proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that every country needs" and "actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable".

**Promoting Sustainable Transport**

4.6. Paragraphs 29 to 41 describe the promotion of sustainable transport. Paragraph 32 describes that decisions regarding development proposals should take into account if opportunities for sustainable transport modes have been taken up; 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. It also states that development should only be refused on transport grounds where the residual cumulative impacts of development are 'severe'.

4.7. Paragraph 38 states that where practical, particularly within large-scale residential developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.

**Delivering a Wide Choice of High Quality Homes**

4.8. Paragraphs 47 to 55 describe the delivery of a wide choice of high quality homes. Paragraph 47 states that to boost significantly the supply of housing, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land.

4.9. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

4.10. To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing within be delivered on the site within five years.

4.11. Paragraph 49 states "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

4.12. Paragraph 50 describes that local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.

**Requiring Good Design**

4.13. Paragraph 58 sets out how planning policies and decisions should aim to achieve high quality design for all developments. This includes ensuring that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;
- are visually attractive as a result of good architecture and appropriate landscaping.

**Promoting Healthy Communities**

4.14. Paragraph 69 describes the importance of creating healthy, inclusive communities. Planning policies and decisions should therefore promote safe and accessible environments and developments which reduce the fear of crime and contain high quality public spaces.

4.15. Paragraph 70 describes the importance of planning positively for the provision and use of shared space, community facilities and other local services to enhance the sustainability of communities and residential environments.

4.16. Paragraph 77 states that Local Green Space designation will not be appropriate for most green areas or open space and that the designation should only be used in specific circumstances, for example if the green area is special to the local community (for example because of its historic significance or recreational value).

**Meeting the challenge of climate change, flooding and coastal change**

4.17. Paragraph 100 outlines the Government's policy towards flood risk. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. It is however stated that where development is necessary, it should be made safe without increasing flood risk elsewhere.

**Conserving and Enhancing the Natural Environment**

4.18. Paragraphs 109 to 125 describe how the planning system should contribute to and enhance the natural and local environment.

4.19. Paragraph 117 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. Planning permission should be refused if significant harm cannot be avoided or adequately mitigated and if the development would result in the loss or deterioration of irreplaceable habitats. Opportunities to incorporate biodiversity in and around developments should be encouraged.

**Conserving and Enhancing the Historic Environment**

4.20. Paragraphs 126 - 141 describe the importance of conserving and enhancing the historic environment. Paragraph 128 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance.

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

4.22. The criteria for considering the impact of a proposed development on a heritage asset is stated in paragraph 131. In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

4.23. Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

**Regional Spatial Strategy**

4.24. The Regional Spatial Strategy (RSS) for the East Midlands was adopted in March 2009 and provides a 'broad development strategy' for the East Midlands up to 2026. Following the election of the Coalition Government, a ministerial statement on the 6th July 2010 announced the revocation of RSS and that they should therefore no longer be considered as part of the development plan.

4.25. The East Midlands RSS was officially revoked on the 12th April 2013.

**New High Peak Local Plan**

4.26. The Council had previously been preparing a Joint Core Strategy with Derbyshire Dales District Council. A draft Core Strategy was published in June 2010 and an extensive public consultation exercise took place. However, in April 2012, Members of both authorities agreed to cease preparation of the Joint Core Strategy, and it was resolved to take forward the Development Plan for High Peak as a single Local Plan.

4.27. From 13 September to 25 October 2012 public consultation on the High Peak Local Plan options took place. This included details on:

- Borough and sub area housing targets
- Potential sites for housing
- Potential land requirements for other developments of significance
- Details of policies

4.28. Following this consultation period, the Council have produced a 'Preferred Option Local Plan'. Policy S1 'Sustainable Development Principles' states how sustainable development will be delivered through 'meeting most development needs within or adjacent to existing communities' and through 'providing for a mix of types and tenures of quality homes to meet the needs and aspirations of existing and future residents in sustainable locations'.

4.29. Policy S2 'Settlement Hierarchy' identifies Dove Holes as a 'Larger Village' where a moderate scale of development may be acceptable to meet local rural needs whilst also maintaining existing facilities and services. The policy also states that land will need to be released from the Open Countryside in some locations, including on the edge of Larger Villages to deliver the proposed development strategy and enable the sustainable growth of these settlements.

4.30. The document proposed a local housing target of at least 5,940 additional dwellings over the period 2006 – 2028 at an overall average annual development rate of 270 dwellings. 1070 of the dwellings should be delivered within the 'Central Area' of which Dove Holes is part. The Central Area is identified as having an important role in supporting future development.

4.31. In the Parish of Chapel-en-le-Frith a local community group 'Chapel Vision' are currently preparing a Neighbourhood Plan for Chapel-en-le-Frith and Dove Holes.

The Neighbourhood Plan will identify sites for development and therefore the Local Plan Preferred Options Document does not include any development sites within the Chapel-en-le-Frith Parish. Development sites identified in the Neighbourhood Plan need to be consistent with the development approach and strategy in the High Peak Local Plan and in particular with the strategy for the Central Area - of which Chapel-en-le-Frith Parish is a part. The Local Plan Preferred Options proposes a housing requirement of 400 dwellings for the Chapel Neighbourhood Plan.

4.32. The Neighbourhood Plan is in the very early stages of preparation, with initial consultation having been undertaken. Further consultation is ongoing and given that the Neighbourhood Plan is only at formative stage it is considered that it can carry no weight in determining this application.

**High Peak Saved Local Plan Policies (2008)**

4.33. The High Peak Local Plan was adopted in 2005. A number of policies were 'saved' in March 2008.

4.34. The High Peak Local Plan Proposals Map shows that the site is on the northern edge of the existing settlement boundary, and is subsequently designated as 'Countryside'. The Proposals Map shows settlement boundaries tightly drawn around settlements within the Central Area as, at the time the Local Plan was adopted, there was an over-supply of housing. The Proposals Map therefore reflects an approach of housing restraint which was in place at the time.

4.35. Policy GD3 'Improvement Corridors' states that planning permission will be granted for development within the improvement corridors provided that the layout, scale, design, external appearance, boundary treatment and landscaping will enhance the appearance of the area and there will be no undue detrimental effect on existing landscape, townscape, historic, wildlife or water features.

4.36. Policy GD4 'Character, Form and Design' describes how planning permission will be granted providing a number of criteria, including scale, siting, layout, density and form, are sympathetic to the character of the area and will not have a detrimental effect on the visual qualities of the locality.

4.37. Policy GD5 'Amenity' states that planning permission will not be granted for development which will result in an unacceptable loss of privacy or which will have an unacceptable impact on general amenity.

4.38. Policy GD6 'Landscaping' describes how planning permission will be granted for development provided that it will contain a high standard of hard and/or soft landscape treatment in keeping with the character of the area.

4.39. Policy GD7 'Crime Prevention' describes how development, through its design, layout and landscaping will create a safe and secure environment and minimise the opportunities for crime to be committed.

4.40. Policy OC1 'Countryside Development' states that within the Countryside (as shown on the Proposals Map) planning permission will be granted which is an 'integral part of the rural economy'.

4.41. Policy OC4 'Landscape Character and Design' states that planning permission will be granted for development considered appropriate in the Countryside provided that its design is appropriate to the character of the landscape.

4.42. Policy OC8 'Sites of Importance for Nature Conservation' outlines how wildlife and nature sites should be protected. Development likely to have an adverse effect on Local Nature Reserves, a Derbyshire Wildlife Register site or a Regionally Important Geological Site will only be permitted where measures are in place to ensure appropriate mitigation and compensatory measures and where it can be clearly demonstrated that there are reasons for the proposal that outweigh the need to safeguard the substantive nature conservation value of the site.

4.43. Policy BC10 'Archaeological and other Heritage Features' states that planning permission will be granted provided that development will not have a significant adverse effect upon known archaeological or heritage features.

4.44. Policy H1 'Principles of Housing Provision' describes how for new housing, priority will be given to the redevelopment of previously development land in built up areas and conversions of existing urban buildings. Residential development on Greenfield land will not be permitted except for dwellings approved under policies OC7, H2, H4 and H10.

4.45. Policy H9 'Affordable Housing for Local Needs' describes how the Council will ensure the provision of a proportion of affordable housing for local needs within new residential development schemes.

4.46. Policy H11 'Layout and Design of Residential Development' states that residential development will be permitted provided it.

- 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
- protects amenity

4.47. Policy TR1 'Transport Implications of New Development' states that planning 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

4.48. Policy TR4 'Traffic Management' describes how development will be permitted 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 that "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".

4.49. Policy TR5 'Access, Parking and Design" 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.

**Five Year Housing Land Supply**

4.50. The Council's most recent Annual Monitoring Report (AMR) is from 2010/11 and sets out the Council's housing supply as at 31st March 2011. Since the start of the RSS plan period (2006), 1,420 dwellings have been completed, against a requirement of 1,500 dwellings for this period. An assessment of the amount of land available for residential development has revealed that there is sufficient supply for 2.4 years. Therefore, the Council does not have a 5 year housing supply. This was confirmed in a appeal decision (APP/H1033/A/11/2159038) dated 23 August 2012

for land at Manchester Road, Chapel-en-le-Frith where the Inspector states that 'the evidence for 2008-2011 taken from the AMR suggests a situation of persistent under-delivery in the terms of the [NPPF] Framework' and 'In these circumstances the housing land supply falls significantly short of what, under the Framework, is now required.' Furthermore, recent Planning Officer Committee Reports, for example a report for proposal HPK/2012/0633 dated 4th February 2013, states 'at the present time the Council cannot demonstrate a five year housing land supply'.

## 5. MATERIAL CONSIDERATIONS

**The Principle of Development**

5.1. The proposal will deliver a sustainable development through providing much needed new homes within High Peak Borough whilst protecting and enhancing the existing environment. The proposed mix of dwelling types, sizes and design will meet the diverse housing needs of the local community. The site is located within a sustainable location, on the edge of the built framework of Dove Holes, and with good access to public transport, schools, employment and other local facilities and services. This will reduce reliance on private car travel. Therefore, it is considered that the proposal accords with the National Planning Policy Framework's (NPPF) presumption in favour of sustainable development, providing economic, social and environmental benefits.

5.1. The Council have indicated that, under the 2008 Saved Local Plan, the site will be considered as 'countryside' and therefore needs to be assessed against Local Plan Policies OC1 and H1. These policies restrict development outside of the built framework of settlements. However, Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. There is an identified shortage of suitable and available sites for residential developments within the High Peak and, as demonstrated in Paragraph 4.51, the Council does not have a 5 year housing supply. It is therefore considered that the relevant housing policies of the Local Plan are out-of-date. Furthermore, Paragraph 47 of the NPPF states that on top of this five year supply, Councils should provide 'an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land)." Where there has been a record of persistent under delivery local authorities should increase the buffer to 20%. This further demonstrates the importance of the application site in contributing to maintaining a 5 year supply of deliverable housing sites within the High Peak to ensure choice and competition in the market for land.

5.2. Whilst the application site is considered by the Council as not being within the existing settlement framework boundary, the site is well related to existing patterns of development. The application site is located on the northern edge of the built framework of Dove Holes. To the south and the west of the application site lies existing housing developments. The proposed site will therefore enable a well designed, sustainable extension to the built framework of Dove Holes. Policies OC1

and H1 must be considered in the context of the significant shortfall in housing land supply and the subsequent need for housing growth. The proposed development will make a vital contribution towards meeting existing housing needs within High Peak.

5.3. Furthermore, the Preferred Options Local Plan states that Dove Holes is a 'Larger Village' where a moderate scale of development may be acceptable to meet rural needs. The policy also states that land will need to be released from the Open Countryside in some locations, including on the edge of Larger Villages to deliver the proposed development strategy and enable the sustainable growth of these settlements. The development will provide a moderate scale of development on the edge of a designated Larger Village and is therefore considered to accord with the principle of this preferred policy.

5.4. The proposed housing type and mix is considered to be in keeping with the scale and character of adjacent developments with a focus on lower density, family homes with gardens. Resident's amenities will be protected through screening and due a minimum gap of 20 metres being maintained between the development and existing houses. The design of the development will also be in keeping with the local landscape character through careful planting of native trees and shrubs within the site and along settlement boundaries. The Illustrative Masterplan also demonstrates that adequate amenity space for each dwelling and an acceptable standard of privacy within garden areas can also be achieved on the site. Due to existing housing development on Hallsteads the development will be largely screened from the A6 and will therefore not have a detrimental visual impact on the landscape. Adequate boundary treatment and landscaping will also preserve the appearance of the area. The proposals therefore fully accord with Local Plan Policies GD3, GD4, GD5 and GD6.

5.5. The Meadows has been designed with sufficient capacity for the proposed development. All key infrastructure services which will serve the proposed development are also available from this road with capacity to serve the development. Drainage systems were built across the application site during the construction of the adjacent housing development and therefore drainage arrangements are already in place for the proposed development.

5.6. In summary, the site is in a sustainable location, on the edge of the existing built framework of Dove Holes. Dove Holes is identified within the New Local Plan Preferred Option as a 'Larger Village' where moderate growth can be

accommodated. High Peak Borough Council does not have a five year housing supply and therefore the development will contribute to an identified housing need. The Indicative Layout also demonstrates that a high quality residential development can be delivered on the site which will protect the existing landscape character and residents' amenities.

**Highways**

5.7. Principal access to the development will be from the A6 Hallsteads via the existing residential estate roads known as The Meadows and Walker Brow to the south of the site. The Meadows has been designed with sufficient capacity for the proposed development. A Transport Assessment has been prepared by Morgan Tucker to support the planning application.

5.8. To ensure a comprehensive assessment of the site was conducted, the Transport Assessment assessed the impact of 120 dwellings on the site. At 120 dwellings the proposed access is still forecasted to operate well within capacity without significant queuing. As stated previously, the Meadows estate road was constructed to have capacity for additional development in the future. The road has a carriageway width of 5.5 metres and 1.8 metre footways along both sites and is lit. The junction with the Meadows also has adequate unobstructed visibility splays in both directions. The Assessment states that the development site is unlikely to have an impact on air quality within the local area or to have a negative impact on road safety on the Hallsteads road. The development proposals therefore accord with Local Plan Policy TR4.

5.9. The site is within a sustainable location, located on the edge of a predominantly residential area and close to existing sustainable transport infrastructure, including safe and convenient pedestrian routes, bus services and train services. The site is also located in close proximity to local shops and services within Dove Holes. This accords with paragraph 38 of the NPPF which states that key facilities such as local shops should be located within walking distance of most properties. It is therefore considered that a large proportion of journeys from the proposed development can be made using sustainable modes of transport. The proposed development therefore fully accords with Local Plan Policy TR1 and the requirements of the NPPF through the promotion of sustainable transport methods.

5.10. The neighbouring developer of the housing estate to the south of the application site served by the highway known as The Meadows leading to Walker Brow has confirmed their intention to bring these roads up to an adoptable standard in the

near future. They have also stated that they would have no objection the applicant taking access from Walker Brow for the purpose of serving the proposed development. The developer has also expressed their willingness to enter into an agreement under Section 106 of the Town and County Planning Act to both allow access from the highway to Walker Brow and bring it up to adoptable standard prior to the occupation of any dwellings on the application site (please see enclosed letter from the developer at Appendix 3).

**Flood Risk and Drainage**

5.11. A Flood Risk Assessment has been prepared by Morgan Tucker in support of the planning application. The Environment Agency Flood Map indicates that the development site is located within Flood Zone 1, i.e. land having a 1 in 1,000 annual probability of river flooding (0.1%).

5.12. The nearest watercourse is the Black Brook (a tributary of the River Goyt) which passes the northern boundary of the development site. However, there have been no historic flooding events from fluvial pathways or sources in the vicinity of the development site and the Environment Agency has indicated that the development site is not at threat of flooding.

5.13. The new dwellings and associated infrastructure, such as access roads, will result in an increase to the site's impermeable area. As part of the construction of the adjacent Meadows housing development, drainage systems were built across the application site. Therefore drainage arrangements are already in place for the proposed development.

**Ecology**

5.14. Information from Derbyshire Wildlife Trust shows that the site has no non-statutory nature conservation designation. There is however a Local Wildlife site (LWS) immediately to the east of the site (Ridgeclose Rocks) on the site of a former quarry.

5.15. As identified within the supporting Ecology Statement, the LWS is a lightly horse-grazed grassland with some scrub and rock outcrops left over from the quarrying. The LWS Sites Register describes this area as comprising species-rich limestone grassland with a wide range of typical limestone plantsand with some taller damp grassland in the seasonally wet floor of the old railway cutting.

5.16. Two other LWS occur within 1km of the site. These are Longridge Lane Fields, the nearest part of which is 750m south of the site, and Dove Holes Spoil Heaps, which is located 750m south-east from the site.

5.17. The Ecology Survey demonstrates that the site has no significant habitat, plant species or protected species interest which would constrain the proposed development. Therefore there are no significant ecology or nature conservation constraints to the granting of outline consent.

5.1. Minor mitigation matters for badgers, reptiles and nesting birds are discussed and recommended to be made conditions at the reserved matters stage. No plants of nature conservation significance, or which are classified as Derbyshire or UK Biodiversity Priority Plants are present on the site.

5.2. The site is not of significance for water vole, otter, breeding or sheltering great crested newts, roosting or foraging bats, and breeding birds. The site is currently not of significance for badgers and the significance of the site for reptiles is likely to be low.

5.3. It is therefore considered that the development fully accords with Policy OC8 and NPPF Paragraph 117 through ensuring that no wildlife or nature sites will be detrimentally affected by the development proposals.

## 6. HERITAGE STATEMENT

6.1. Local Plan Policy BC10 'Archaeological and Other Heritage Features' states that "planning permission will not be granted for development which is likely to result in harm to a Scheduled Ancient Monument or other nationally important site, its setting or amenity value. Where proposals will affect a feature or an area of archaeological interest, they will, where appropriate, include an archaeological evaluation of the site and a statement demonstrating how it is intended to satisfactorily accommodate or preserve the archaeological or heritage features."

6.2. The main historical point of interest within the area is the 'Bull Ring', a Stone Age henge monument, located 250 m to the south of the site. The monument is located behind the school and the church and is accessed via the track to the Community centre.

6.3. The Bull Ring has been dated to the Neolithic period and is a National Monument. The henge consists of a circular earthwork with is approximately 1 metre in height and 9- 11 metres wide. Inside the henge there is a ditch. The bank and ditch, with a raised area in the centre, are clearly visible, but there are no stones. The centre of the henge was ploughed in the 18th century. A trial excavation by Oxford University Archaeological Society in 1949 established that the ring had two entrances however did not provide any evidence of stones on the site. Excavations have however found evidence of flint flakes and pottery. Further details of the trial excavation are contained within Appendix 2.

6.4. Due to the distance of the application site from the monument, and due to existing housing development which separates the monument from the application site, it is considered that the development would have no impact on the monument. It is therefore considered that the development accords with Local Plan Policy BC10. However, should the LPA consider there may be the possibility of archaeology or heritage remains on the application site due to its proximity to the Bull Ring, a condition requiring an archaeological 'watching brief' would be appropriate.

## 7. SUSTAINABILITY STATEMENT

7.1. The National Planning Policy Framework states at the heart of the planning system is a 'presumption in favour of sustainable development.' Three dimensions to sustainable development are identified:

- Economic - contributing to building a strong, responsive and competitive economy;
- A social role - supporting strong, vibrant and healthy communities.
- An environmental role - contributing to protecting and enhancing our natural, built and historic environment,

7.2. In order to deliver a highly sustainable development a number of key sustainability objectives have been set:

- To provide a high quality, sustainable residential development on a brownfield site;
- To reduce the need to travel by car;
- To improve the quality of the environment and to conserve and enhance existing habitats;
- To respect and enhance the character of the local area;
- To assist in the creation of sustainable communities through improvements to the public realm;
- To ensure that existing and future residents share access to a wide range of shops, services and leisure facilities;
- To incorporate measures which reduce crime and the fear of crime;
- To minimise waste production and encourage the recycling of waste products.
- To remove or remediate any potential contamination on the site associated with previous uses.

7.3. The development will seek to use renewable resources and the provision of renewable energy systems where feasible. To promote a high standard of build and construction for the development, sustainable construction methods and energy efficiency will be incorporated in the detailed design stage.

7.4. With regards to transport, the site is in a highly sustainable location, situated within walking distance of Dove Holes and the railway station which provides frequent

services to Buxton and Manchester. There are also frequent bus services accessible from Hallsteads to Buxton and Manchester Airport.

7.5. The proposed development will contribute to the creation of sustainable communities through providing a mix of housing types, which meet the needs of the existing and future population of Ilkeston. New residents will also support existing shops and services within Dove Holes.

7.6. It is therefore concluded that sustainability has been carefully considered throughout the proposals and a highly sustainable development can be delivered on the site.

## 8. HEADS OF TERMS

8.1. These Heads of Terms are set out on behalf of the applicant to inform the preparation and negotiation of a S106 agreement with High Peak Borough Council to support an outline planning application for residential development on land at Hallsteads, Dove Holes. These Heads of Terms are submitted as part of the application on a without prejudice basis. The Council's reasonable Legal Costs in considering the document will be met. Based on the content of the High Peak Local Plan and the information available within the Planning Obligations Supplementary Planning Document it is envisaged that the Section 106 agreement may include the obligations set out below.

- Affordable Housing
- Education
- Access and Highways
- Open Space

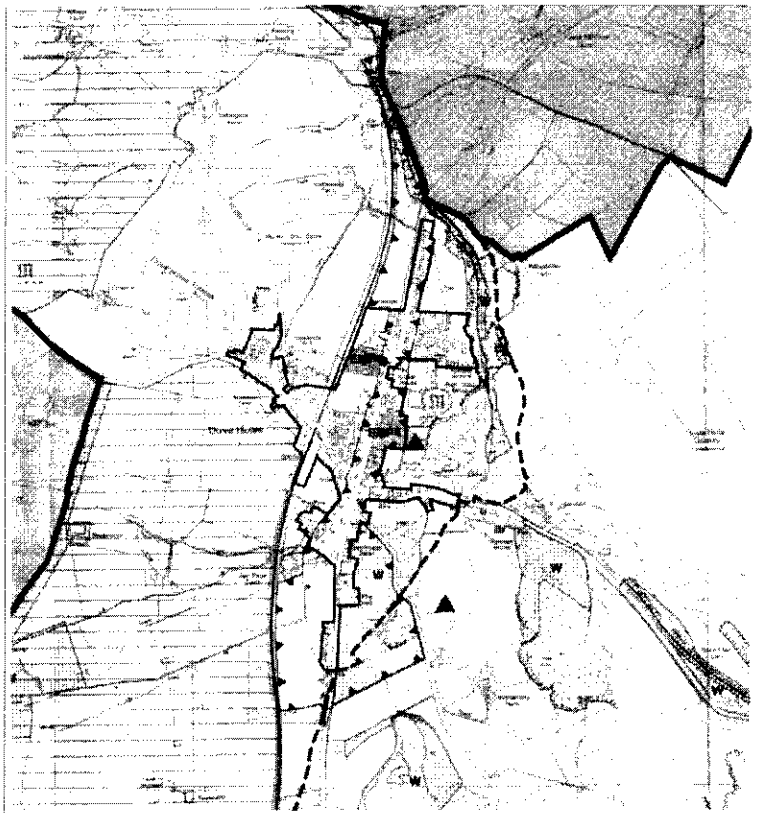
8.2. A full Section 106 Agreement will be progressed during the consideration of the planning application. We remain open to justification for obligations subject to negotiation and scheme viability and following the provision of up to date evidence. However, it should be noted that, as acknowledged in the NPPF, it may not be feasible for new development to meet all the requirements set out in local regional and national planning policies and still be economically viable. Accordingly, it is suggested that where planning obligations are being sought, local planning authorities should be sufficiently flexible on these to prevent development being "stalled". Achieving a financially viable balance of obligations sought is integral to this and vital to ensuring development can be brought forward.

## 9. CONCLUSIONS

9.1. The site is situated in a sustainable location, adjacent to the existing built framework of Dove Holes and is within walking distance of services, facilities and public transport. The site is well related with the existing surrounding residential developments and would therefore form a logical extension to the existing built framework. It has been demonstrated that a high quality, sustainable housing development can be delivered on the site which protects and enhances the local landscape and complements the character of the surrounding area. The proposals therefore accord with the core principals of the National Planning Policy Framework.

9.2. High Peak Borough Council does not have 5 year housing supply and therefore, in accordance with the NPPF, relevant policies for the supply of housing should not be considered up to date. The development will therefore make a vital contribution to the Council's housing delivery requirements.

## Appendix 1: Local Plan Extract



KEY

- Green Belt (OC2, OC4, EMP8)
- Countryside (GD4, OC1, OC4, OC6, OC7, H7, H8, H13, EMP7, LT2)
- Special Landscape Area (GD5, OC3, OC4, BC1)
- Sites of Importance for Nature Conservation (OC8)
  - WS Wildlife Site
  - G Regionally Important Geological Site
- Statutory Nature Conservation Designations (OC8)
  - S Site of Special Scientific Interest
  - L Local Nature Reserve
- Regeneration Area (TC14)
- Land for Industry/Business (EMP2)
- Primary Employment Zone (EMP4)
- Land for School/College Use (CF3)
- Land for Recreation/Open Space (LT4)
- Built-up Area Boundary (GD2, H5, EMP6, LT1)
- Conservation Area (BC1, BC2, BC3, BC4, BC5, BC6)
- Town Centre (TC1, TC2, TC3, TC4, TC5, TC7, TC8, TC9, TC10, TC12, BC14)
- Improvement Corridor (GD3, BC12)
- Peak Forest Canal (GD3, LT11)
- Proposed Road (TR3)
- Long Distance and Local Trails (TR13, TR14)
  - MSW Mid Shires Way
  - PFT Peak Forest Tramway
  - PC Pennine Cycleway
  - WF Wormbrook Footpath
- Major Developed Site in the Green Belt (EMP8)
- Scheduled Ancient Monument (BC10)
- Landfill Site (GD12)
- Protected Major Park (LT3)

FOR INFORMATION

- Local Plan Area Boundary
- Boundary between Central and Buxton areas
- High Risk Flood Area as advised by the Environment Agency (2005)
- Significant Site recently developed or with Permission for Housing

## Appendix 2: English Heritage Report

**THE BULL RING, DOVE HOLES, Derbyshire.**

**Report on geophysical survey, September 2000.**

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### Introduction

A geophysical survey of approximately 0.35 ha was conducted over the henge site known as The Bull Ring, Dove Holes, Derbyshire (National Monument Number: 23282) at the request of the regional Inspector of Ancient Monuments. Previous work at the site includes a period of trial excavation in 1949 by the Oxford University Archaeological Society (Alcock 1950). This helped identify the site as of the "double-entrance" class of Henge Monument and revealed the form of the ditch and bank, but failed to provide any evidence for stone settings (*ibid*).

The aim of the survey was to help gain a greater understanding of the monument and the activity that had occurred within it; to inform the future management of the site, particularly in relation to its repair and maintenance; and to attempt to reveal any trace of a former stone circle.

The Bull Ring (SK 078 782) lies on well drained silty soils of the Malham 2 association (Soil Survey of England and Wales 1983) developed over Carboniferous Limestone (Institute of Geological Sciences 1977). At the time of the survey the field was under grass and used as a recreation area.

### Method

Magnetometer survey

High-resolution magnetometry was chosen as the first survey technique to utilise so as to carry out a detailed reconnaissance of the ditch and internal platform. The survey was conducted over all the numbered grid squares (Figure 1) using the standard method outlined in note 2 of Annex 1, but with a traverse interval of 0.5m. Plots of the data-set are presented as both an X-Y traceplot and a linear greyscale, at a scale of 1:500 on Plan A. The only corrections made to the measured values displayed in the plots were to zero-mean each instrument traverse to remove heading errors and to "despike" the data through the application of a 2m by 2m thresholding median filter (Scollar *et al* 1990) to reduce the detrimental effects produced by surface iron objects. In addition the lower and upper values have been trimmed for presentation as a traceplot.

Earth resistance survey

A resistivity survey was conducted over all the numbered grid-squares (Figure 1). However, due to the lack of time available and the information known from the previous excavation work across the bank and ditch, it was decided to concentrate efforts on the central area to try to locate any stone settings or pits. Measurements were collected with a Geoscan RM15 resistance meter, PA1 mobile probe array in the Twin-Electrode configuration. Readings were collected using the standard method outlined in note 1 of Annex 1, but with a sample interval of 0.5m x 0.5m. Plots of the data-set are presented as both an X-Y traceplot and a linear greyscale, at a scale of 1:500 in Plan B.

### Results

Magnetometer survey

A graphical summary of the anomalies discussed in the following text is provided on Plan C1.

The magnetic response has been severely affected by modern disturbance – most probably ferrous rubbish deposited in the henge ditch, such as at [1] – [4]. By far the largest area of disturbance can be seen at [5]. This correlates with the position of the quarry in the north-eastern section of the ditch. Directly south of this is an area of raised magnetic readings [6], probably also related to ferrous litter, but not producing such a severe response.

There are at least four other small areas of magnetic disturbance [7], all located on the central henge area.

There are few, if any, anomalies that are not necessarily due to modern disturbance. The strongest of these, [8], gives a positive reading of ~25nT. The others at [9] – [12] are more subdued at around 10nT. Due to their small size and the amount of surrounding ferrous disturbance, these anomalies are also likely to be relatively recent in origin – although a tentative prehistoric origin cannot be ruled out.

Earth resistance survey

A graphical summary of the anomalies discussed in the following text is provided on Plan C2.

The resistivity survey is dominated by the high resistance responses [R1] – [R4] correlating with the inner edge of the ditch where this abuts the central area. This corresponds with the excavation evidence that suggests that the inner side of the ditch was cut sharply into the limestone (Alcock, 1950; 83).

The area of reduced resistance at [R5], between [R1] and [R2], may be a reflection of where the "natural rock had been sharply cut to form a ditch and causeway" (Alcock, 1950; 85). In addition lower resistance readings [R6] interrupting the course of [R1] could well be attributed to the 1949 excavation trench number 4 (*ibid* 82).

Where the survey was extended to include the bank, it is possible to see additional high resistance responses [R7] reflecting the rubble construction of this feature.

The area of slightly raised resistance at [R8] is around the location of a tree and could be an effect of the root system on the water content of the soil here. The isolated high resistance anomaly at [R9] is hard to interpret due to its discrete nature, but could possibly relate to the location of a buried stone. A similar interpretation of the anomaly [R10] would be even more speculative.

**Conclusion**

The magnetic survey has unfortunately been severely affected by modern disturbance, possibly through the use of the ditch as a dumping area. There has been no discernible response to the known construction of the henge i.e. the bank and ditch, so it seems unlikely that any slighter features such as stone settings or pits would have been recorded if present.

The resistance survey has detected a difference in response between the bank, ditch and inner area. However, few other features have been detected, and the central area has generally produced low readings - with the exception of anomalies R8, R9 and R10 which could, speculatively, correspond with stones.

Overall, the survey results have been disappointing as little extra information about The Bull Ring henge has been recorded. It has not been possible to identify any specific internal features, but this does not necessarily preclude their presence. As has been shown, the geophysical response to the known earthwork features has been poor in general, and therefore the possibility of recording smaller features is limited.

**References**

Alcock, L. 1950, The Henge Monument of The Bull Ring, Dove Holes, Derbyshire. *Proceedings of the Prehistoric Society*, **16**, 81-86.

British Geological Survey, 1977, Chapel en le Frith, England and Wales, Sheet 99, Drift Geology, 1:50,000.

Scollar, I. Tabbagh, A. Hesse, A. and Herzog, I. (eds.), 1990, *Archaeological Prospecting and Remote Sensing*. Cambridge.

Soil Survey of England and Wales, 1983, Soils of England and Wales, Sheet 3, Midland and Western England.

**List of enclosed figures.**

*Figure 1* Location plan of survey grid squares over base OS map (1:2500).

*Plan A* Traceplot and linear greyscale of magnetometer data (1:500).

*Plan B* Traceplot and linear greyscale of resistivity data (1:500).

*Plan C* Graphical summary of significant geophysical anomalies (1:500).

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**Surveyed by:** P Cottrell, A Payne, L Martin
**Date of survey:** 18-22/9/2000
**Reported by:** L Martin
**Date of report:** 7/11/2000
**Centre for Archaeology report number:** 14/2001

## Appendix 3: Letter from Developer Confirming Access Arrangements

# Kalro Ltd

FAO C Waumsley
Head of Planning & Environment Group
Freeth Cartwright LLP
Cumberland Court
80 Mount Street
Nottingham
NG1 6HH

Dear Sir

**Re: Land off Walker Brow, Dove Holes, Derbyshire**

I write with regard to the above site and to confirm that as developer of the housing served by the highway known as The Meadows leading to Walker Brow, this company is intending to complete works in general to bring it forward for adoption in the near future. In the interim there would be no objection to the owners of the land immediately to the north of the cul-de-sac head of Walker Brow taking access from this land for the purposes of developing the site to the north. I also confirm that I would be willing to enter into an agreement under s106 of the Town & Country Planning Act to both allow access from the highway to Walker Brow and bring it up to adoptable standard prior to the occupation of any dwellings on the new development or, if necessary, prior to the commencement of construction.

There is no intention to create any ransom strip or other impediment to development of the land north of the current extent of Walker Brow and this company would be willing to enter into a planning obligation to that effect if necessary.

I trust this letter clarifies the situation.

Yours faithfull[redacted]

On and behalf of Kalro Limited

Freethcartwright LLP

3 JUN 2013

RECEIVED