

Planning, Design and Access Statement

in respect of:

Construction of 9 Residential Apartments at Land off Burnside Avenue, Chapel-en-le-Frith (Re-submission of HPK/2013/0174)

on behalf of:

Kapetil Ltd

This project has been developed in partnership between the following consultants – all who have contributed in part to this statement and the project:

Parr associates
chartered town planning and development consultants



**RACHEL
HACKING
ECOLOGY**



cheshire woodlands
arboricultural consultancy

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HPK/2013/0174



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1. Introduction and Background

- 1.1. This planning application is a resubmission of HPK/2013/0174, which sought permission for the construction of 9 apartments on land off Burnside Avenue, Chapel-en-le-Frith. The application was withdrawn on 30/05/12, following discussions with Jane Colley (Senior Planning Officer, High Peak Borough Council) regarding the following perceived planning issues:
 - a. By virtue of overshadowing, trees to the south west of the application site were considered likely to harm the residential amenity of occupants of apartments on the south west side of the proposed building;
 - b. It was considered that the scheme would result in the loss of public open space; and
 - c. The design of the building and choice of construction materials would not be sympathetic to the street scene.
- 1.2 Following withdrawal of HPK/2013/0174, further pre-application discussions have taken place with High Peak Borough Council (HPBC) to gain a further understanding of the issues of concern relating to the withdrawn scheme.
- 1.3 This Planning, Design and Access Statement has been prepared to support the re-submission of an amended scheme for 9 apartments to address previous planning concerns by demonstrating that:
 - a) the amended scheme will not harm the amenity of occupants of the development;
 - b) the application is considered remnant land; however, if the LPA consider the application site is public open space then development will not result in its material loss;
 - c) an acceptable provision of public open space remains for occupants of the apartments and neighbouring residents in proximity to the application site;
 - d) the proposed building will not harm the character and appearance of the street scene; and
 - e) the principle of development is in accordance with the relevant development plan policies and correct in all other regards.
- 1.4 This document is also designed to fulfil the requirements of a Design and Access Statement as set out in circular 01/06 DCLG, and reflects best practice in that regard.
- 1.5 This statement should be read in conjunction with the following drawings prepared to support this application:
 - a) Site Location Plan (dated 5/10/2012)
 - b) Topographical Survey (dated August 2012)
 - c) Floor Plans and Sections (Dwg No. 258.01 Rev 2) - Parr Associates
 - d) Revised Elevations (Dwg No. 258.02 Rev_2) - Parr Associates
 - e) Sustainability, Energy and Waste Statement - BPUD Limited

1.6 In determining the scheme, the following documents are considered a material consideration and are summarised below (where appropriate, actions will be implemented in full accordance with consultant recommendations):

- a) Extended Phase 1 Habitat Survey (inc. Crayfish and Water Vole Study)
- b) Flood Risk Assessment (QA. No. 12086)
- c) Geo-Environmental Report: Desk Top Study (QA No.12083)
- d) Highways and Transportation Technical Note (12201)
- e) Landscape management Plan Final Report Rev B.

Phase 1 Habitat Survey (inc. Crayfish and Water Vole Study)

A Phase 1 Habitat Survey has been undertaken by Rachel Hacking Ecology in order to identify any habitats and protected species present on, or immediately adjacent to, the application site.

The survey revealed that no nationally rare or locally rare plant species were observed. A further detailed study for Water Voles and White Clawed Crayfish was undertaken along Black Brook, up and downstream of the application site. Evidence of neither species was found in the study area.

In conclusion, it is considered there are no ecological constraints to development of the site.

Flood Risk Study

A flood risk assessment has been undertaken by Peak Associates to assess the risk of flood arising from Black Brook which would constrain development.

Subject to the following construction requirements, residential development at the site is considered acceptable:

- Minimum Finished Floor Levels for the apartment block should be at least 208.74 metres AOD;
- Minimum Finished Level for access roads/drives, parking, cycle parking and pedestrian areas should be at least 208.3 metres AOD; and
- A sustainable urban drainage systems should be incorporated into the scheme design to reduce surface water run-off.

Contaminated Land Desktop Study

Peak Associates Environmental Consultants Ltd have been commissioned to undertake a desk study investigating the likelihood of land contamination on site.

Resulting from historical uses of the application side, and the wider environs, the following mitigation methods have been suggested to be condition prior to construction of the apartments:

- Gas monitoring for landfill gas types to confirm that gas protection measures are appropriate.

- Basic gas protection within the building design (including ventilated sub-floor and gas resistant membrane)
- Made ground is considered to be inert however a soil inspection across the site is advised to ensure the land is free from contamination
- Investigation into the active status of nearby landfill
- Geotechnical investigations to establish the bearing capacity of the ground for foundations, groundwater levels and the stability of excavations
- To establish whether existing trees and vegetation may impact proposed foundations and the impact of such construction on existing trees.

Highways and Transportation Technical Note

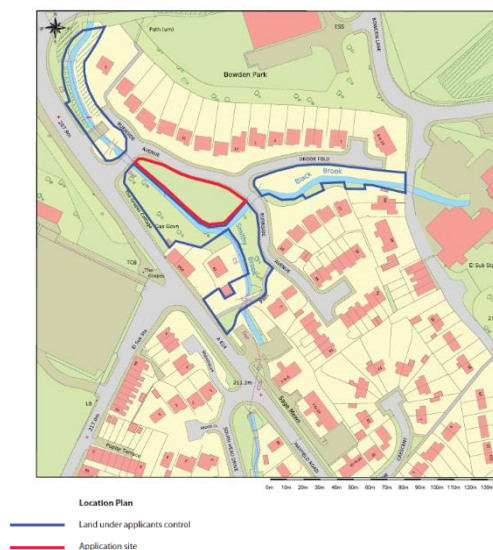
An assessment of the implications of the proposed development on Burnside Avenue and its junction with Hayfield Road has been undertaken by SCP Transport. The report concludes the following:

- the development will result in generation of only low levels of traffic from/to the site and will have an insignificant impact on Burnside Avenue and its junction with Hayfield Road;
- sufficient parking provision is provided to meet the demand of the development and there is suitable visibility for safe vehicular ingress/egress to/from the site;
- the site is sustainably located close to village amenities, reducing reliance of none-sustainable modes of transport; and
- to improve pedestrian access to the site, the existing footpath to the south of Burnside Avenue should be widened to 2m (utilising application land to increase the path width).

Wider Management Plan

PGLA have been commissioned to produce a plan (delivered through the provision of a s.106 planning obligation) for the betterment and management of the brownfield land, copses and river edges remaining following the implementation of the Barrett's development at Burnside Avenue granted by application HPK/0003/8510.

- 1.7 The plan below shows the location of the application site within the context of Chapel-en-le-Frith.



Extract from the location plan [Not to scale]

2. Development Proposal

- 2.0 This application seeks full planning permission for the construction of a single apartment block on land located between Black Brook, to the south-west, and Burnside Avenue, to the north east. The building will comprise 6 two-bedroom apartments and three one-bedroom apartments.
- 2.1 On-site parking provision fronting Burnside Avenue will be provided for 9 vehicles; one space will be allocated to each apartment. Vehicle access will be directly from Burnside Avenue
- 2.2 Landscaped amenity space for occupants will be provided to the rear of the apartment block.

3. Relevant Planning History

- 3.1 The following applications are deemed relevant to the positive determination of this application:
- HPK/0003/8510 Erection of 45 dwellings at Hayfield Road (Fedral Mogul Car Parks), Chapel-en-le-Frith – Granted 14/03/01
 - HPK/2013/0174 Proposed Construction of 9No. residential apartments (Use Class C3) including 3No. one-bedroom dwellings and 6No. two-bedroom dwellings - withdrawn 30/07/13

Site Context and Surroundings

- 4.1. Chapel-en-le-Frith sits within the Central Area of High Peak Borough. It is almost mid way between Stockport and Buxton and accessed along the A6. To the east, just beyond the A6 trunk road, the Peak District National Park is almost contiguous with the town boundary. Main roads connect directly with Buxton, New Mills and Whaley Bridge offering easy transport connections to all of these similarly sized rural market towns. Whilst Chapel does have a railway station, this is some distance from the town centre, its central station closed with the closure of the Stockport, Buxton and Bakewell railway line.
- 4.2 The town itself sits within a small bowl, with ranges of hills rising to all sides. The settlement sits on the confluence of the two local brooks or rivers, Warm Brook and Black Brook. The town has grown to include a number of local facilities including a large high school, Morrison's Supermarket, an active and vibrant high street as well as offering a number of employment opportunities. Traditionally the largest employer being the Ferodo brake works to the north of the town.
- 4.3 This site comprises approximately 0.12ha and is triangular in shape. The site boundary is formed on the eastern edge by Burnside Avenue near to the junction with Brook Fold (from which access will be taken) and then to the west by the Brook itself. The apex of the triangle corresponds with the confluence of Black Brook and Warm Brook. Burnside Avenue is accessed from Hayfield Road.
- 4.4 The opposite bank of the brook to the application site is a small copse, but only a few scattered trees and scrub occupy the bank on the application side of the river. At both ends of the site the brook is crossed by adopted routes and there are substantial bridges suitable for the estate traffic that use them. Burnside Avenue has a narrow (1 metre) footpath adjacent to the site which leads to the Warmbrook footpath trail to the south and connects with the Hayfield Road on and off-road route.
- 4.5 The site itself is relatively flat, sloping slightly towards the river, before a fairly short and sharp bank into the Brook. Currently the ground is covered by overgrown grass. There are two mature trees, adjacent to the bridge, to the south of the site, and another approximately mid-way through the site, along within the river bank. A number of other smaller scrub /self-seeding trees and shrubs line the river bank.
- 4.6 A remnant of the former use of the application site as an overspill car park for Federal Mogul is noticeable in the form of a telegraph pole and light stand that will require removal or diversion as part of any proposals.



- 4.7 The site will be accessed from Burnside Avenue, which is an adopted highway and designed as a 4.5 metre wide estate road. This is a cul-de-sac for motor vehicles. This accesses the principle highways network on Hayfield Road and beyond to the A6 and the trunk road network. Hayfield Road is subject to extensive traffic calming along its entire length and therefore vehicle speeds are typically slower than the posted 30mph.
- 4.8 Pedestrian access to the site is also taken from Burnside Avenue, however, access to Hayfield Road and the town centre is taken from a public footpath to the south of the site, which provides an off-road link shortcutting the longer road route (the surrounding greenspace will form part of the wider management plan). This footpath connects with the Warmbrook Trail, which offers links throughout Chapel, specifically to Morrison's supermarket and other shops and facilities in the town centre.
- 4.9 Hayfield Road also has a number of local bus routes along it, offering connections with New Mills and Buxton in separate directions (more details are provided within the Highways Technical Note prepared by SCP Transport). The town centre offers a wider range of circular and long distance (sub-regional) services including the 199 Skyline connecting Stockport and Manchester Airport on twice hourly service.

4. PLANNING POLICY

5.1 Introduction

- 5.1.1 The following national guidance and development plan policy is of relevance to this proposal.

5.2 National Planning Policy Framework

Achieving Sustainable Development

- 5.2.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England. It views delivery of sustainable development as a key consideration for the planning system. Indeed within the Framework there is '*a presumption in favour of sustainable development*'.
- 5.2.2 The Framework identifies and outlines three principle roles the Government considers the planning system should play in delivering sustainable development, these are:
- an economic role;
 - a social role; and
 - an environmental role.
- 5.2.3 The policies in the Framework (paragraphs 18-219), taken as a whole, constitute the Government's view on sustainable development.
- 5.2.4 The Framework addresses the plan-led system and states: '*Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise*'.
- 5.2.5 The Framework identifies a set of core land-use planning principles which should underpin plan- and decision-making processes of local planning authorities. Those that are relevant to this application include:
- proactively drive and support sustainable economic development to deliver the homes...that the country needs;
 - seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
 - take account of the different roles and character of different areas...and promote the vitality of our main urban areas; 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.

Building a Strong, Competitive Economy

- 5.2.6 A key consideration of the Framework is to promote and secure economic growth in order to create jobs and prosperity. Paragraph 19 states: *‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth’.*

Promoting Sustainable Transport

- 5.2.7 The Framework promotes the use of sustainable modes of transport. It encourages that, where practical, key facilities such as shops and schools should be within walking distance of most properties. Finally, it states that when considering parking standards for residential development, local planning authorities should take into account, amongst other things, accessibility of the development and availability of, and opportunity for, public transport.

Delivering a Wide Choice of High Quality Homes

- 5.2.8 The NPPF supports an increase in the supply of housing. It states at paragraph 47 that 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. 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’.*
- 5.2.9 Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. It asserts 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’.*
- 5.2.10 Paragraph 50 outlines the need to provide a range of residential dwellings in line with current demands. It states: *‘To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, 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 (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes); and*
 - *identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.’*

Requiring Good Design

- 5.2.11 Paragraph 56 states: *'The government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development and is indivisible from good planning'*.

5.3 Development Plan Policy

- 5.3.1 The development plan comprises the Regional Spatial Strategy for the East Midlands (RSS8) and the saved policies of the High Peak Local Plan (2005).

Regional Spatial Strategy for the East Midlands (RSS8)

- 5.3.2 The Government is committed to abolishing Regional Spatial Strategies and measures to achieve this are included in the Localism Act (2011). Little weight is given therefore to the policies within the Regional Spatial Strategy for the East Midlands (RSS8) and as such will not be considered as part of the application.

The Saved Policies of the High Peak Local Plan (2005).

- 5.3.3 The following saved policies of the High Peak Local Plan (2005) are considered relevant in the determination of this application:
- Policy GD2 identifies areas within the Local Planning Authority which will provide the main focus for development.
 - Policy GD4 states that new development should be sympathetic to the character of the local area.
 - Policy GD5 requires that development should protect residential amenity.
 - Policy GD6 requires that development should contain hard and soft landscaping treatments which are suitable to its location.
 - Policy GD7 seeks to ensure development minimises the opportunity for crime to take place.
 - Policy BC1 requires that external construction materials should be sympathetic to the character and appearance of the immediate surroundings and the wider area.
 - Policy H1 outlines the hierarchy of priority areas where permission will be given to residential development.
 - Policy H5 details the criteria by which development sites which are considered windfall sites will be assessed.
 - Policy H11 promotes good layout and design in new development.
 - Policy H12 requires that new development provides access to open space to meet the needs of the new development or provide a commuted sum from developers to improve existing recreational provision.
 - Policy LT3 state that, subject to details, planning consent will be granted for development which will otherwise affect public open space.
 - Policy TR1 seeks to reduce reliance on less sustainable modes of transport.

- Policy TR4 ensures that new development can be accommodated within the capacity of the existing highway network.
- Policy TR5 ensures new development provides suitable parking and access provision.

5.4 Other Material Considerations

The High Peak Local Plan Preferred Options (2013)

- 5.4.1 The emerging High Peak Local Plan Preferred Option (2013) is the next phase of the development of High Peak Borough Council's Local Plan. It details policies and identified sites for development, including housing sites.
- 5.4.2 The option report recognises that Chapel-en-le-Frith's Neighbourhood Plan is being prepared and will propose sites for allocation within the settlement. The options document does not detail possible allocate sites for Chapel-en-le-Frith.
- 5.4.3 The report, however, does identify Chapel-en-le-Frith as a market town (Policy PS2), and highlights it to be a main focus for future development. Policy PS3 details housing supply provision and distribution over the plan period (2006-2028); identifying the need for 5,940 new dwellings. With regards to Chapel-en-le-Frith, sites for 400 new dwellings will need to be delivered over the life time of the plan.

The Interim Housing Statement (2009)

- 5.4.4 The interim housing statement contextualises (in respect to Local Plan policy H1 and pertinent national plan policy and guidance) and provides further detail on HPBC requirements for the submission of planning applications for residential development and the criteria by which such applications will be determined.

The Chapel-en-le-Frith Housing Needs Survey (2009)

- 5.4.5 The Chapel-en-le-Frith Housing Needs Survey establishes the type and tenure of housing needed in Chapel and Le-Frith. The survey reveals an identified need for 1 and 2-bedroon flats.

6. PLANNING CONSIDERATIONS

6.1 Introduction

- 6.1.1 This section will address the planning issues in relation to national and local plan policy and the grounds for withdrawal of HPK/2013/0174 and justify why planning permission should be granted for the construction of a single storey apartment block on land off Burnside Avenue, Chapel-en-le-Frith.
- 6.1.2 On account of the issues raised by this application, this statement will be structured as follows:
- Design and Access Considerations
 - Principle of Development

6.2 Design and Access Considerations

- 6.2.1 This section describes the proposed development under the following headings, as detailed in CABE's best practice guidance for the production of design and access statements:

(i) Use

The application proposes the erection of a three story residential apartment block, comprising nine apartments. On-site parking will front Burnside Avenue and sufficient will be made available to provide one parking bay per apartment. The south west rear of the proposed building will be landscaped to offer amenity space for the benefit of occupants.

(ii) Amount

The application seeks permission for the construction of one apartment block, comprising 9 residential apartments; 6No two-bedroom units and 3No one-bedroom units. Typically, apartments will consist of a separate living space and kitchen facility and either one or two bedrooms dependent on apartment configuration.

The development includes communal cycle storage for 14 bicycles and 1 parking space per apartment.

(iii) Scale

The scale of the proposed building is similar to the apartment block found 100m to the east, at the termination of Brook Fold, and will possess an equally satisfactory relationship with nearby dwellings.

Unlike the aforementioned apartment, the proposed building will be constructed on ground lower than the nearest dwellings, which will reduce its appearance in the street scene. Moreover, the substantial distance of the building from adjacent dwellings, would provide an observer no meaningful measure against which to compare its scale, resulting in a building processing a visual and dimensional ambiguity to the visual betterment of observers.

The building will measure 20.1m long (18.3m excluding bay windows and Juliet balconies) and 16.50m wide (7.8m at its narrowest point). The ridge height varies between 9.1m-9.9m; eaves height will be 7.1m. The footprint of the building will be 216.1 sq.m. and the floor area 648.36 sq.m.

(iv) Layout

The proposed building is designed in a 'T' shape to optimise the use of the application site. The building will be sited in a north/south orientation, with the head of the 'T' being located to the south where the application site is widest and can benefit for solar gain. As the application site tapers to the north so the proposed building narrows.

The building has three floors, with three apartments per floor; these are configured to have 1 or 2 bedroom accommodation. The topmost floor uses some of the proposed roof space.

The development has been designed to comply with the relevant principles of Secured by Design.

The scheme proposed by HPK/2013/0174 has been re-designed to ensure the amenity of new occupants will not be harmed by virtue of overshadowing from trees to the south west of the application site. Where practical, primary windows have been designed to face away from the trees to the south west, specifically in units with a south west aspect, to improve light levels within. Each unit benefits from glazing on multiple elevations, a number of which also have 'Juliet' balconies which face away from adjacent trees, which further improves light levels in the apartments.

(v) Landscaping

The proposed development is accompanied by a landscape scheme for the application site and a landscape and management plan for the wider dispersed areas of remnant land within the existing Barrett development.

Notwithstanding the above, it is proposed to undertake significant landscaping, specifically to the southwest rear of the apartment, which will include additional planting of trees, hedges and shrubs. A hard standing area will be provided for the communal benefit of occupants. Permeable vehicular hard standing will lie adjacent to Burnside Avenue in reverence to the layout of the dwellings adjacent. A bin storage area will be provided to the east of the building to provide easy access for waste collection.

The application is supported by an arboricultural report included in the management plan. In summary, it recommends the following;

- thinning of the tree canopy to the south west of the application site, and south of the river, to manage and preserve the health of the copse;

- removal of low value trees to the east of the river bank, considered acceptable subject to the wider management (as agreed with the HPBC arboriculture officer 29/07/2013).
- The management of the trees in the recommended manner will provide additional light in to the apartments on the south west elevation of the site to the benefit of the occupants within.

The application also provides an opportunity to deliver wider landscaping benefits as detailed in the accompanying Landscape Management Plan and as summarised in para. 6.3.30 below.

(vi) Appearance

To address officer concerns regarding issues of design, as highlighted prior to, and following, withdrawal of HPK/2013/0174 (See Appendix 1 and 2) the following amendments have been made to the current scheme:

- The roof profile of the building will present gabled profiles to the street scene in order to be sympathetic to the local vernacular; and
- Elevations will be finished with ashlar stone, removing the half-timbering to the third floor proposed in the previous iteration, and reflecting the external appearance of the apartment block on Brook Fold and existing residential dwellings within the Barrett development.

(vii) Access

Pedestrian and vehicle access to the building remains in line with the scheme proposed by HPK/2013/0174. Pedestrian access will be from street level, through the communal entrance hall in the north east elevation of the building. The apartments will be constructed in accordance with Part M (Access to and Use of Buildings) of the building regulations.

Proposed parking provision, the impact of the development on the existing highways network and the sustainable nature of the application site in relation to local amenities has been considered elsewhere in this statement and found to be acceptable.

- 6.2.2 For the above reasons, it is considered that the scheme preserves the amenity of occupants of the proposed development and of adjacent residential dwellings, the building will be sympathetic in the street scene and will be accessible to all. The proposed development, therefore, is not in conflict with High Peak saved policies GD4, GD5, GD6, GD7, BC1, BC5, TR1, TR4, TR5 and H11.

6.3 Principle of Residential Development

5-year Housing Land supply

- 6.3.1 Paragraph 47 of the NPPF directs local planning authorities to identify a 5-year supply of deliverable housing sites against their housing requirements, in addition to a 5% buffer; or 20% buffer if there is evidence of 'persistent under delivery of housing'.
- 6.3.2 Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Housing policies are not considered up to date where local planning authorities cannot demonstrate a 5-year +5% supply of deliverable housing sites.
- 6.3.3 Local Planning Policy H1 is the principal policy for directing new housing and ensuring sufficient developable land is available within HPBC. For the last two consecutive years, HPBC have failed to demonstrate a 5-year deliverable supply of housing land
- 6.3.4 The 2011-2012 AMR of HPBC (the most recent AMR data available) confirms the borough has only a 2.4 year housing land supply. Recent discussions with HPBC have provided a more up-to-date 5-year housing land supply figure; HPBC claim to have a 4.6 years supply; based heavily on a limited number of large outline permissions on brownfield sites. Although an increase on the 2011-2012 AMR figure, it does not constitute a 5-year +5% supply. For the 2009-2010 period, a 4.25 year housing land supply was reported.
- 6.3.5 The NPPF is clear that when a 5-year+5%, housing land supply cannot be demonstrated (or +20 % for authorities with a persistent under delivery of housing land), the relevant policies covering housing provision within the borough are not considered up to date and there is a presumption in favour of sustainable development. This includes the NPPF objective of significantly increasing the supply of housing. This development proposal would assist in delivering the significant housing provision for Chapel-en-le-Frith outlined in the High Peak Local Plan Preferred Options Report, reduce the extent of the identified housing deficiency in the borough and assist HPBC to comply with relevant national and local housing provision policy. The applicant owns the application site and the site is deliverable with immediate effect. Considerable weight should therefore be given in favour of sustainable development and a positive determination.

Residential Development Within Built-up Boundaries

- 6.3.6 Together, Local Plan policy GD2, H1 and H5 direct new residential development to sustainable locations within settlements of the High Peak Borough Council.
- 6.3.7 This application seeks to erect a residential apartment block on land off Burnside Avenue, within the settlement boundary of Chapel-en-le-Frith. The proposal is therefore in complete accordance with policy GD2.

- 6.3.8 The application sites, and wider Barrett development, formed part of a larger area which was formerly the over spill car park for Federal Mogul - see Figure 1. It comprised extensive hard standing and numerous ancillary structures; remnants of which are still visible, including a telegraph pole and lamp post within the site edged red boundary.

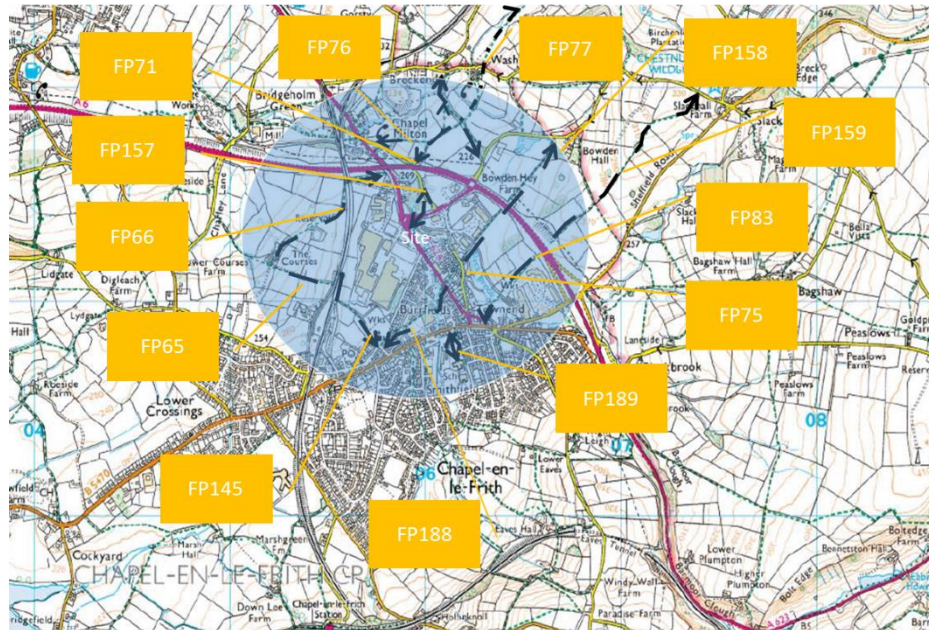
Figure 1 – Federal Mogul Over Spill Car Park (1999)



- 6.3.9 In 2001 application HPK/003/8510 granted permission for the construction of 45 residential dwellings, resulting in the existing Barrett development at Burnside Avenue and Brook Fold. Following completion of the development, several remnants of land remained undeveloped. The applicant site is one such remnant.
- 6.3.10 Throughout the construction phase, anecdotal evidence suggests the application site was utilised for the storage of building materials and plant. The area is overgrown and there is no obvious sign of significant activity on it, such as walked paths or discarded rubbish, as is common with public areas. In functional terms, the application site is brownfield land.
- 6.3.11 Planning policy H1 states that priority will be given to new residential housing seeking to use previously developed land in built up areas. In consideration of the above, the application will result in the development of brownfield land and therefore accords with policy H1.
- 6.3.12 The supporting text of Policy H1 (para 6.2) outlines a series of criteria against which the suitability of sites for housing will be assessed and reflects the considerations outlined in the High Peak Interim Housing Policy Statement (2009), which are further detailed below. These include:
- The availability of previously developed land
 - Their location and accessibility in relation to jobs, shops and services
 - The capacity of transport, utility and community infrastructure
 - Their ability to build sustainable communities
 - The physical and environmental constraints on the land
- 6.3.13 The application site is considered to comprise brownfield (previously developed land), as detailed in paras 6.3.10-11 above.
- 6.3.14 The application site is sustainably located. The centre of Chapel-en-le-Frith is less than 350m to the south west and provides significant employment and retail provision.

Public footpaths close to the application site lead directly to the town centre (see Dwg 1 which illustrated Parish footpaths leading in and around the settlement of Chapel-en-le-Frith). Located close to the entrance of Burnside Avenue is the bus stop for bus Nos 69, 69A, 040, 189, 190, Unibus 12 bus, which provide ready access to Chapel and the wider environs.

Drawing 1: Parish Footpaths In Proximity to the Application Site



Note:

FPXX – identified parish footpath routes as illustrated on the Derbyshire County Council Definitive map

- 6.3.15 The proposed development will assist in supporting the existing community within Chapel-en-le-Frith and, more specifically, at Burnside Avenue/Brook Fold, by providing starter homes for first time buyers and small family units within an existing residential area, in easy reach of local amenities. The site is ideally located in close proximity to significant employment opportunities. These include, but are not limited to, Federal Mogul (100m west); existing industrial units and offices off Bowden Lane and Sheffield Road (200m and 550m east and south respectively) and numerous retail opportunities available within Chapel-en-le-Frith town centre (450m south) .
- 6.3.16 The development has been designed within the physical constraints of the site, as detailed above, and complements the existing apartment block at Brook Fold, in terms of form and function.
- 6.3.17 In light of the above, the application is considered in accordance with suitability criteria for housing sites as detailed in the supporting text of policy H1 and the High Peak Interim Housing Policy Statement (2009).
- 6.3.18 The application site is remnant land, within the settlement of Chapel-en-le-Frith, which has remained as such following construction of the Barrett development – as detailed above. It will not result in the loss of local employment. The land adjacent to the application site comprises predominantly residential dwellings and, therefore, the

proposed development is commensurate with the adjacent land uses. Accordingly, the scheme is in accordance Policy H5 as it will meet the plan objective of directing residential development to brownfield sites within urban settlements.

6.3.19 Notwithstanding the above, it has previous been established that the HPBC cannot demonstrate a 5-year +5%(+20%) housing land supply. The relevant policies for the supply of housing cannot therefore be consider up-to-date; which includes policies which restrict the location of development.

6.3.20 The acceptability of the scheme must therefore be assessed against the sustainable principles of the NPPF, which are economic; social; and environmental in nature, as detailed below and should be approved accordingly:

Economic Sustainability

- The dwelling would contribute to the delivery of housing within HPBC which is a key objective at the heart of the NPPF
- The proposal would continue to provide support for the construction sector through the provision of jobs during development of the proposed scheme and in the purchase of building materials.
- The development would assist in supporting existing neighbourhood facilities of Chapel-en-le-Frith.

Social Sustainability

- The proposed dwelling would provide flexible accommodation for a variety of family types, including both young and old occupants.
- As rehearsed elsewhere within this statement, the proposal would provide a development of high quality design and construction.

Environmental Sustainability

- The proposal would contribute to the number of dwellings constructed in the borough and on brownfield / previously developed land and would reduce the pressure to build on Green Belt / green field sites.
- The new building would be constructed in a manner designed to reduce energy dependency – See accompanying Energy Statement - being designed to deliver Code for Sustainable Homes Level 4 and Lifetime Homes.
- The application site is in an accessible location, as agreed by HPBC, and limits the need to use non-sustainable modes of transport.
- The scheme will provide off-site landscaping establishment and wider management of recreational provision for local residents to enjoy.

Access to Local Open Space Provision

6.3.21 Policy H12 expects developers to provide, or have access to, sufficient and suitable, geographically relevant, open space provision for new development. Where it is consider more appropriate, a commuted sum may be requested to preserve or enhance existing provision elsewhere.

- 6.3.22 The extent and quality of public local open space within the HPBC has changed significantly since adoption of the 2005 Local Plan. In 2009, the Peak Sub-Region Open Space, Sport and Recreation Study was commissioned. It summarised the open space provision within HPBC, in terms of quantum and quality, and formed part of the evidence base in the recently consulted on High Peak Local Plan Preferred Options (2013).
- 6.3.23 The report informed the production of the High Peak and Derbyshire Dales Open Space, Sport and Recreation strategy, which was adopted by the Council in 2012. It outlined a strategic framework up to 2014 for the development and improvement of existing open space, sport and recreation facilities.
- 6.3.24 The High Peak Sub-Region Open Space, Sport and Recreation Study and Derbyshire Dales Open Space, Sport and Recreation strategy are considered material considerations in the determination of this application.
- 6.3.25 The Strategic Framework outlines a number of issues which the strategy seeks to address. In respect to, amenity green space, a form of open space likely to be provide alongside residential development, the strategy framework notes the following;
- *There is less demand for provision of additional amenity green space in more rural settlements. Residents in such areas consider access to the surrounding countryside to provide adequate informal recreation opportunity. The LPA do not recommend meeting gaps with new provision in the rural settlements;*
 - *No significant deficiencies are identified and therefore new provision is not a priority. Minor gaps in Buxton and Chapel-en-le-Frith are to be met by increasing access to nearby provision to encourage greater 'travel to' provision. For settlements in High Peak inside the National Park where there is no provision, it has been assumed that the surrounding countryside provides adequate informal recreation opportunity.*
- 6.3.26 With respect to compliance of the proposed scheme with Policy H1, the evidence above establishes that further additional amenity green space is not required in Chapel-en-le-Frith, which is deemed to have suitable provision. It is consider unnecessary, therefore, to provide additional on-site open space provision for occupants of the development or neighbouring dwellings.
- 6.3.27 Pre-application discussion with the LPA (Joanne Bagnall, Regeneration Service, High Peak Borough Council (08/07/13)) have confirmed that, in general, the council would not seek further public open space with new development within Chapel-en-le-Frith; rather it would seek a commuted sum to improve existing provision in line with emerging planning policy.
- 6.3.28 In a wider geographic and functional context occupants of the proposed development and neighbouring occupants have access to a typographically diverse range of open space provision in close proximity to the application site. The table below details a range of open space typologies which are within 800m of the application site and are safely and readily accessible. Assessment as to the relative accessibility of each

typology reflects the recommendation in the 'Manual for Streets, which identifies a 'walkable neighbourhood' as having a range of facilities within a 10 minute walk (or 800 metres). Of particular note, is the ready accessibility of the application site to the open countryside to the north and the extent of potential new amenity space which will be created through delivery of a landscaping scheme and management plan, as detailed previously. In regards to the above, the proposed development is considered to accord with Policy H12.

6.3.29 The proximity of the development to existing substantial open space provision further negates the need for HPBC to seek a commuted sum.

Table 1: Open Space Typology In proximity to The Application Site

Typology	Location Description*	Easting/Northings	Distance from Application Site (m)	Area (m ²)
Public parks	Memorial Park	405656/380508	740	3910.7 (35238.6)*
Natural and semi-natural greenspace	Access to open countryside	Nearest access – 405909/381666	257	n/a
	Woods adjacent to the application site	405973/381273	20	2625.6
	Wooded copse adjacent to Bowden Lane	405947/381477	145	14798.1
Non-designated Recreational Space	Land adjacent to Burnside Avenue #1	405970/381290	20	228.2
	Land adjacent to Burnside Avenue #2	406036/381251	52	244.4
	Laned adjacent to Brook Fold	406068/381292	62	500.0
	Land at the junction of Bowden Lane/ Hayfield Road	406205/380962	390	153.7
	Land between South Head Drive and Valley Drive, via Courses View	406058/381054	160	1172.9
Provision for children and young people	Play Area, South Head Drive	406053/380984	300	120.3
	Play Area, Asbourn Lane	406398/380815	608	245.7
Allotments, community gardens and city farms	Land adjacent to Church Lane	405601/381138	420	17067.2
Cemeteries, churchyards and burial grounds	St Thomas Becket C of E	405764/380859	559	16868.8
	The Methodist Church, Market Street	406153/380815	490	6201.2
Civic spaces	Land adjacent to Market Street	405983/380843	435	247.0
	The Market square	405704/380708	617	684.8
Total				65068.6 (100307.2)

Note:

*= centre of site

Figures in () – total area of open space, only where part falls within the 800m range
Green corridors have not been included in the assessment, due to technical difficulties in quantifying their extent. However, both Warm Brook and Black Brook, which are considered green corridors, are within the immediate vicinity of the application site.

- 6.3.30 Irrespective of the ready access to open space provision afforded by the development, should planning consent be granted, the applicant is willing to enter in to a s106 agreement to provide landscaping improvement in proximity to the application site. The location and extent of proposed landscaping works are detailed in the accompanying Landscape Management Plan but in summary comprises;
- significant landscaping improvements to the remnant land; to be managed in perpetuity;
 - Provision of a wild meadow residential seating area immediately north of the application site;
 - Management of the woodland in perpetuity, to allow better public access and enjoyment.

Extent of Local Open Space Provision

- 6.3.31 Elsewhere within this statement it has been established that the application site is not consider public open space, but is brownfield remnant land remaining from the construction of the Barrett development. Policy H5 states there is a presumption in favours of utilising brownfield land within built-up settlements for residential development.
- 6.3.32 Nevertheless, assessment of the application site against the policy tests surrounding development of public open spaces confirms that, should HPBC consider the application site to be public open space, the proposal is in full accordance with relevant national and local plan policy.
- 6.3.33 Policy LT3, which is in broad compliance with para. 74 of the NPPF, permits development which materially affects the open space provision, provided that:
- adequate recreational land of a suitable quality, with good accessibility will be available; or
 - the loss of open space would be replaced by equivalent/better provision in terms of quantity and quality in a suitable location; or
 - development is for alternative sports and recreational provision, the need for which clearly outweighs the loss; or
 - the public enjoyment and recreational value of the land and/or facilities will be maintained and enhanced through the proposed development.
- 6.3.34 Compliance of the scheme with all relevant tests of Policy LT3 and para 74. of the NPPF are outlined in turn below:

Adequate recreational land of a suitable quality, with good accessibility will be available

- 6.3.35 As detailed previously, The *Peak Sub-Region Open Space, Sport and Recreation Study* (2009) and the later *High Peak and Derbyshire Dales Open Space, Sport and Recreation strategy* (2012) has established that, within Chapel-en-le-Frith, there exists adequate provision of open space. Similarly, pre-application discussions with HPBC have confirmed the LPA is no longer seeking further public open space alongside new development; implying that adequate recreational land already exists within Chapel-en-le-Frith; this is further demonstrated as detailed in Table 1.
- 6.3.36 Where there exists remnant land within the Barrett development it is considered that the proposed development will not materially reduce its overall extent. As a proportion of the remnant land available (0.645 ha) - see the accompanying landscape Management Plan for details – the application site, including building footprint, hard standing, parking provision and amenity space, accounts for a loss only 13% (approx. 0.0850ha). Although not available for use by the general public, the landscaping benefits provided by the scheme, as outlined in the Landscape Management plan submitted in conjunction with the application, provides a visual amenity benefit not only for occupants of the proposed apartments but for the wider general public
- 6.3.37 It should be noted that the Barrett development, granted permission by HPK/003/8510, initially provided an over provision of land, when compared to current open space standards.
- 6.3.38 The National Playing Fields Association guidance referred to in the supporting text of Policy H12 of the High Peak Local Plan requires an open space provision of 2.4ha per 1000 population or 400 houses. HPK/003/8510 granted permission for 45 home.
- 6.3.39 On a pro rata basis, the scheme approved by HPK/003/8510, ought to have provided an open space provision of only 0.27ha. In fact the scheme provided approximately 0.645ha, which could feasibly have be used for recreational purposes. This equates to an overprovision of approximately 238% when compared to National Playing Fields Association standards that the policy uses as its standard.
- 6.3.40 Even accounting for a reduction in open space land resulting from the proposed development (equating to approx. 0.0850ha), the remaining existing open space provision within the Barrett development is still in excess of 200%.
- 6.3.41 As detailed above, the proposed scheme would not materially reduce the extent of remnant land available and it has been established the Barrett development provided a surfeit recreational land initially.
- 6.3.42 As part of the application, a landscape scheme and management plan for the remnant land will be submitted for consideration. This will bring into use land specifically managed for recreational and amenity purposes for the enjoyment of the occupants of the proposed development and adjacent residents.

- 6.3.43 When compared to recreational space requirements for new development in emerging plan policy, policy CF3 (Local Infrastructure Provision) is most relevant and is a material consideration in the determination of this application. The policy details emerging local open space and sports facility accessibility standards.
- 6.3.44 The nearest comparable typology of recreation land to compare accessibility of the application site is that of amenity green-space provision. The policy states that residents of market towns should live within 10 minutes' walk of amenity green-space provision.
- 6.3.45 For the above reasons, it is considered that the proposed development provides ready access to adequate existing recreational land provision within Chapel-en-le-Frith. The proposed development, therefore, complies with the first criteria test requirement of Policy LT3 and emerging plan policy.

The loss of open space would be replaced by equivalent/better provision in terms of quantity and quality in a suitable location;

- 6.3.46 Consideration of the proposed development against the first policy test of LT3 has demonstrated that the proposed development will not result in a material loss of land which could feasibly be used for recreational purposes.
- 6.3.47 The remaining remnants of land will be improved for community use. Specifically, by improving the landscaping immediately within the application site; and more widely by the instigation of a landscape scheme and management plan for the remaining remnants in perpetuity; including providing improved access to existing open space. In this regard, the proposed development is considered to comply with the second criteria test of Policy LT3.

Development is for alternative sports and recreational provision, the need for which clearly outweighs the loss;

- 6.3.46 Compliance with the third test of policy LT3 is not required as the application is not proposing sporting or recreational provision, nor will it result in its loss.

The public enjoyment and recreational value of the land and/or facilities will be maintained and enhanced through the proposed development

- 6.3.47 In line with the proposed management plan and landscaping scheme, the development will provide opportunity to enhance and improve remnant Brownfield land with the Barrett Development as detailed above. The proposed development is considered to comply with the fourth criteria test of Policy LT3.

7. Summary and Conclusion

7.1 The scheme as proposed aligns with national guidance and development plan policy as:

- The NPPF is clear that where a 5-year +5%(or +20%), cannot be demonstrated by local planning authorities, relevant Local plan policies are considered out of date. In line with the NPPF, therefore, there is a presumption in favour of sustainable development, which includes the objective of increasing housing development. This proposal will assist HPBC in delivering this objective;
- The proposed development accords with Local Plan policy GD2, H1 and H5 as the development will be sustainably located within the settlement boundaries of Chapel-en-le-Frith and will be constructed on previously developed remnant land;
- The development delivers economic, social and environmental benefits in line with NPPF overarching objectives;
- The dwelling is deliverable with immediate effect and would provide an unmet need for 1/2 bedroom apartments identified in the Chapel-en-le-Frith Housing Needs Survey 2009;
- The proposed development is in accordance with Policy H12 as there is adequate existing recreational land proximal to the application site; there is therefore no requirement to provide open space provision with the development;
- There is adequate open space provision within walkable distance from the application site and the proposed development is in accordance with LT3 and para. 74 of the NPPF;
- The proposed development will not harm neighbouring amenity, the character of the street scene and is accessible to all and therefore complies with HPBC Saved policies GD4, GD5, GD6, GD7, BC1, BC5 , TR1, TR4, TR5 and H11; and
- The Planning and Compulsory Purchase Act 2004, places the emphasis upon a plan-led system and confirms the presumption in favour of development, so long as it is in accordance with an up to date development plan, unless material consideration indicate otherwise (S38 (6)).

7.2 In view of the fact that the proposed development clearly complies with relevant Local Plan and National Planning Policy Framework it is respectfully requested that the planning authority approve the application for the construction of the proposed apartment, block, in line with the presumption in favour of sustainable development.

Appendix A

Email Trail from Jane Colley – Material Choice Proposed By HPK/2013/0174

HPK/2013/0174 Burnside Avenue, Chapel

http://www.pkcom.co.uk/mail/src/printer_friendly_bottom.php?pas...

From: "Jane Colley" <Jane.Colley@highpeak.gov.uk>
Subject: HPK/2013/0174 Burnside Avenue, Chapel
Date: Fri, May 24, 2013 4:49 pm
To: "Robert Phillips" <bob.phillips@bpud.co.uk>

Dear Bob,

Further to my earlier email, I sent through the statutory consultee responses I received to date. As discussed, I would be obliged if you could have a look at the highway officers comments and provide me with some additional confirmation on the footway and carriageway width. I also wanted to discuss with you the design of the flats, and the inclusion of the "mock Tudor" materials in the apex of the gables. Having examined the surrounding area, I do not think that this reflects the character of the area, indeed, Chapel does not have this type of feature on any of the buildings. Therefore can you remove this element from the plans?

Kind Regards,

Jane Colley
Senior Planning Officer

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Appendix B

Excerpt of Pre-Application Letter (Jane Colley, 14/11/2012) – Application HPK/2013/0174

the conversion and subdivision of existing urban buildings. However, this policy has now been superseded by the provisions of the National Planning Policy Framework, and in particular paragraph 49, which sets out a presumption in favour of new housing in sustainable locations. As the Council is unable to demonstrate a 5 years housing land supply, and taking account of the provisions of paragraph 49, I consider the principle of development on this site is acceptable. However, given the above planning history with this site, and the original use of the site as designated public open space, this issue and the lack of a maintenance plan pursuant to a planning condition is likely to be material to any future decision.

Whilst the principle of development is considered to be acceptable, this is subject to the provision of a number of other Policies contained within the adopted High Peak Saved Local Plan Policies 2008. I would draw your attention to Policies H11 – Layout and design of residential development, GD4 – Character, Form and Design, GD5 – Amenity, GD6 – Landscaping, GD7- Crime Prevention, TR5 – Access, Parking and Design, OC10 – Trees and Woodlands and BC1 – External Materials.

The submitted plans show nine apartments contained within a three storey building, arranged in a "T" shape. A total of six two bedroom and three one bedroom flats are proposed, served by a total of 15 parking spaces, a number of which would be arranged in a tandem form.

At our meeting I raised concerns over the design of the block, incorporating a half hipped roof form and which is not considered to be in keeping with the context of the site or indeed the form of development throughout High Peak. Whilst I acknowledge that houses on Burnside Avenue do have a variety of roof forms, a half hipped roof is not one which would sit easily with the character of the surrounding development. As noted in paragraphs 56, 58 and 60 of the NPPF good design is a key aspect of sustainable development and which should be delivered through the promotion and reinforcement of local distinctiveness. You therefore agreed to re-examine this matter to produce a simplified roof form.

We also discussed the level of parking and hard surfacing proposed and you agreed to review this, with a reduction in the total number of parking spaces and hardsurfacing in order to provide additional landscaping to soften the impact of the development when viewed in the context of the street scene. In accordance with Policy TR5 and Appendix 1 of the adopted Local Plan, one bedroom flats should be served by 1.5 off road spaces and two bedroom units by 2 off road spaces. However these provisions are expressed as a maximum level, and therefore given the sustainable location, standards can be lowered to reflect the good accessibility of the site to local service and facilities.

I have also discussed your proposals with the Councils Tree Officer, who raises concerns over the impact of the existing TPO trees to the south and east of the site and the potential shading which would occur, particularly to those flats orientated in these directions. Concerns are particular raised in respect of the impact on primary habitable rooms, such as living rooms and bedrooms. I would therefore recommend that you examine the internal layout