

Planning Statement

Land at Ashbourne Road,
Buxton

Hallam Land Management

October 2013

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1 New York Street
Manchester
M1 4HD

T: 0161 233 7676

1 Introduction

- 1.1 This planning statement has been prepared on behalf of Hallam Land Management (HLM) in support of an application for outline planning permission for mixed use development on land at Ashbourne Road, Buxton. The scheme comprises up to 375 dwellings together with public open space, a residential care and/or retirement facility for up to 70 units and a local centre consisting of retail, business and community uses.

Scope of Planning Statement

- 1.2 The principal aim of this Planning Statement is to provide the context for the development by providing the background to the proposals including a description of the site and its surroundings, relevant planning history, the planning policy framework and key issues. An assessment of the proposal against this policy framework and the key issues identified is then made, along with an overall assessment of the planning balance.

Overview of Planning Case

- 1.3 The overwhelming drive of national and strategic policy is to secure sustainable development, economic growth and to deliver a wide choice of high quality homes. In this context, sustainable development means growth and that calls for well-conceived development to be supported. This is clearly articulated in the National Planning Policy Framework (the Framework) which sets out a presumption in favour of sustainable development, sending a clear signal about the need to plan positively for appropriate new development.
- 1.4 The Framework, nonetheless, also reaffirms the plan-led system in accordance with 38(6) of the Planning and Compulsory Purchase Act 2004. In this case, the Development Plan comprises the High Peak Local Plan, which designates the site as countryside but adjoining the settlement boundary of Buxton. The Local Plan is out of date and inconsistent with the pro-growth and development approach advocated in the NPPF, as High Peak have failed to demonstrate a deliverable five year supply of housing land. This assertion is supported by the by a recent appeal decision (May 2013) in Chinley. Housing policies contained within the adopted High Peak Local Plan are therefore out of date in accordance with paragraph 49 of the Framework, with other policies which seek to restrict housing development also clearly not in accordance with the Framework and should be afforded limited weight.
- 1.5 Buxton is identified by the Council in the emerging Local Plan as one of the largest and most sustainable settlements in the district capable of accommodating a quantum of housing to meet local needs. The proposals comprise the development of a site in a sustainable location where growth is encouraged and recognised as beneficial in the emerging Local Plan. Furthermore the site itself has an allocation for a mixed use residential led development in the emerging Local Plan.
- 1.6 The delivery of this sustainable site will make a significant contribution towards HPBC's housing supply and will secure much needed affordable housing, which are over riding factors in favour of granting planning permission. This position is reinforced by other benefits that will be secured including support for employment led growth in Buxton as envisaged by HPBC in their emerging

Local Plan and socio-economic benefits derived from construction jobs, New Homes Bonus, council tax receipts, increased consumer spending and increased population.

- 1.7 The proposed high quality development will provide a natural and harmonious extension to the existing settlement and deliver more housing choice on a site with no insurmountable technical or environmental constraints. The site is deliverable in the context of paragraph 47, footnote 11 of the Framework and comprises a sustainable form of development. In addition no adverse impacts have been identified that would significantly and demonstrably outweigh the benefits that flow from the development.

EIA Screening

- 1.8 A request for a Screening Opinion, under Regulation 5 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, was submitted to the Council on the 5th July 2013. The request was evidence based and drew upon work that had already been carried out in preparing for the planning application.
- 1.9 A Screening Opinion was provided by High Peak Borough Council (HPBC) on the 1st August 2013, advising that the development would require the submission of an Environmental Impact Assessment (EIA). It concluded that *'the proposals would comprise a large urban extension when compared to the existing scale of Harpur Hill. This would **impact** on the local and wider highway network, particularly on the A515 and road junctions further into Buxton, and would **result in visual change** to the landscape'* (emphasis added).
- 1.10 The Screening Opinion does not set out an apparent rationale as to why the proposed development, as a stand-alone project, would require an EIA. No reasons are provided for the LPA's disagreement with the assessment of the likely impacts, as set out in the Screening Request, and no other evidence is referred to by the LPA which explains its position.
- 1.11 Subsequently, the applicant sought a screening direction from the Secretary of State, under Regulation 6 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2011. The Secretary of State confirmed, in a letter dated 24th October 2013, that the development would not have a significant environmental impact individually or cumulatively and did not constitute EIA development.

Accompanying Documents

- 1.12 The Planning Statement comprises one of a number of documents submitted as part of the planning application. These are as follows:
 - Planning application forms and ownership certificates;
 - Illustrative Masterplan, prepared by FPCR;
 - Design & Access Statement, prepared by FPCR;
 - Statement of Community Involvement, prepared by Turley Associates;
 - Transport Assessment and Framework Travel Plan, prepared by AECOM;

- Landscape Visual Impact Assessment, prepared by FPCR;
- Ecological Appraisal, prepared by FPCR;
- Utilities Report, prepared by AECOM;
- Noise Assessment, prepared by AECOM;
- Geo-Environmental Report, prepared by AECOM;
- Air Quality Assessment, prepared by AECOM;
- Arboricultural Assessment, prepared by FPCR;
- Heritage Assessment, prepared by CgMs Consulting including a Geophysical Survey, Prepared by Stratascan; and
- Flood Risk Assessment and Drainage Strategy, prepared by AECOM;

Consultation

- 1.13 Community consultation has taken place to enable HLM to gather input on the proposals from local residents, businesses and community groups. The scope of this exercise and the feedback received is outlined in the Statement of Community Involvement which accompanies this application. The comments received from the consultation exercises have been carefully considered and where appropriate changes to the application submission have been made to respond to the issues raised.

Pre-application advice

- 1.14 The application has been subject to pre-application discussions with HPBC. The details of these meetings and the feedback received are outlined in the Statement of Community Involvement which accompanies this application.

Structure

- 1.15 This planning statement elaborates the case in support of the application. It is structured as follows:
- Section 2 describes the application site and its surroundings;
 - Section 3 summarises the development proposals;
 - Section 4 comprises an overview of relevant planning policy; including an assessment of the level of weight to be given to the Development Plan in light of the publication of the National Planning Policy Framework;

- Section 5 identifies the key planning considerations relevant to the application's determination;
- Section 6 comprises the planning appraisal of key issues; and
- Section 7 provides a conclusion to the report.

2 Application Site and Surroundings

- 2.1 This section provides an overview of the town of Buxton, the site context, a description of the physical characteristics of the site and its surroundings.

Buxton

- 2.2 The application site is located immediately adjacent to the southern edge of the built up area of Buxton, approximately 1.4km from its centre. Buxton is a historic spa town and is one of the main towns in High Peak.
- 2.3 Buxton is a principle service centre offering a wide range of services and facilities for its residents and those of the smaller settlements surrounding it. These services include:
- main food supermarkets, top-up stores and a twice-weekly market;
 - a range of shopping outlets including banks and professional services;
 - post offices;
 - places of employment;
 - several state, private and faith primary and secondary schools;
 - nurseries and childcare facilities;
 - a hospital, doctor surgeries, clinics and dental surgeries;
 - formal and informal sports and recreation facilities, including parks and gardens sports centres and a leisure centre;
 - public houses, restaurants, takeaways and leisure facilities; and
 - community facilities including places of worship.
- 2.4 Details of the facilities located within close proximity to the site are set out at paragraph 3.3 of the Transport Assessment.
- 2.5 In accessibility terms the town lies approximately equidistant from the surrounding cities of Manchester and Sheffield. It is 12 miles from the town of Macclesfield and 18 mile from Stockport. It benefits from road links with these places via A roads. Buxton railway station provides access to rail services to Stockport, Manchester and other local destinations. Bus services provide links to the surrounding area.
- 2.6 The range of facilities and services available in Buxton means that it constitutes a sustainable settlement; this is reflected by its designation as a Key Town within the emerging Local Plan.

The site

- 2.7 The application site comprises an irregular shaped greenfield parcel of land measuring 22.3 hectares (55.10 acres) in area immediately adjacent to the settlement boundary of Buxton. The topography of the site rises uphill from the eastern edge to the centre of the site and then downhill to the western boundary. The site comprises several agricultural fields (pasture / arable) which are defined by mature hedgerows, and various agricultural buildings, including Foxlow Farmhouse.
- 2.8 The site benefits from an existing vehicular access off Ashbourne Road (A515), one of the main routes into the town centre from the south.
- 2.9 A Public Right of Way (PRoW) runs along the edge of the farm access track continuing adjacent to the farm buildings and on to join Harpur Hill Road in the west.

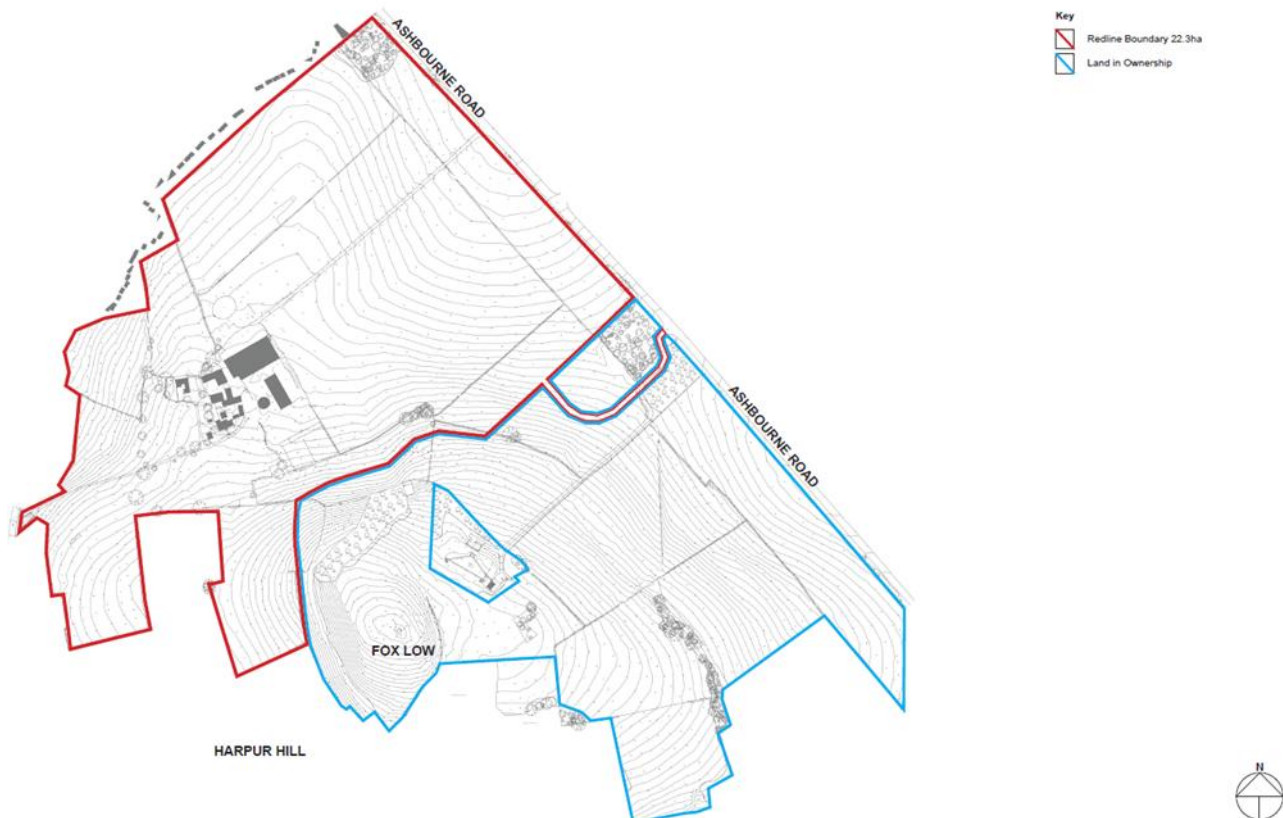


Figure 1: Extract of site location plan

Surrounding Area

- 2.10 The site is bounded by Ashbourne Road to the east, the well-established residential area of Harpur Hill to the north and west and by open land to the south which rises to the summit of 'Fox Low' a Scheduled Monument.
- 2.11 Staden industrial estate is located to the east of Ashbourne Road, opposite the site. This includes a mix of medium scale industrial buildings, a Fire Station and a B&Q Warehouse which front onto to Ashbourne Road itself.
- 2.12 The site is within reasonable walking distance of a wide range of services and facilities, as described above and in the Transport Assessment. Located on the edge of an existing town and adjoining an established residential area the application site is situated in a sustainable location for residential development.
- 2.13 A number of bus services run along Ashbourne Road, directly adjacent to the site providing wider access to jobs, shops and services in Buxton and other larger centres, such as Manchester.
- 2.14 The site is within walking distance of the town centre and Harpur Hill primary school; and lies adjacent to the Pennine Cycleway, which is part of the national cycle network.

Planning History

- 2.15 It is understood that there is no relevant planning history associated with this site.

3 Description of Development

3.1 The application seeks outline planning permission for a mixed use residential lead development with all matters reserved except for access.

3.2 Planning permission is sought for:

“A mixed use development, comprising:

- *residential development comprising up to 375 dwellings;*
- *a residential care and/or retirement facility comprising up to 70 units and ancillary facilities to be occupied for any use or combination of uses within classes C2 and C3 of Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 (TCPO 2010);*
- *a 2 hectare local centre comprising:*
 - *up to 600 sqm of retail uses to be occupied for any use or combination of uses within classes A1 – A3 of the TCPO 2010 (such as retail uses);*
 - *up to 580 sqm of retail uses to be occupied for any use within class A4 of the TCPO 2010 (such as restaurant uses);*
 - *up to 1,000 sqm of business use to be occupied for any use or combination of uses within class B1 of the TCPO 2010; and*
 - *to 1,000 sqm of community uses to be occupied for any use or combination of uses within class D1 of the TCPO 2010 (such as a health centre, nursery or community use);*

together with associated access, car parking, open space and landscaping.”

3.3 Although submitted in outline, the application is accompanied by a Design and Access Statement which sets out a broad Development Framework and provides a ‘structure’ to ensure that identified design principles of local character, quality and sustainability are carried through, ultimately to detailed design.

Figure 18 - Development Framework



Figure 2: Extract of Development Framework Plan

- 3.4 In accordance with the provisions of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 3) Order 2012, with effect from 31st January 2013, there is no longer a requirement to provide details of the scale of the development or the general layout arrangement. These aspects of the development are therefore not presented as fixed features of the application proposals.
- 3.5 The illustrative masterplan shows how the site could be developed under the guidance of the Development Framework. The masterplan shows the creation of a new local centre, community open spaces and the retention of existing trees and hedgerows.

Residential

- 3.6 The development is likely to provide a variety of house types and sizes, including a range of townhouses, semi-detached and detached dwellings, and bungalows, which will consist of up to 375 dwellings.
- 3.7 A mix of dwelling types is likely to be provided on site, which will be appropriate to the character of the area. The detailed appearance of the proposed homes will be determined at reserved matters stage.
- 3.8 The existing 'abrupt' edge created by development on Harris Road and Clifton Drive will be softened by the proposed new housing development, which comprises medium density, informal grain development.

- 3.9 A residential care and/or retirement facility including ancillary uses will also be provided as part of the development, which will consist of up to 70 units. The type of accommodation will be determined at reserved matters and following discussions with Derbyshire County Council.

Local Centre

- 3.10 The application also seeks consent for a local centre, which would consist of an appropriate mix of retail, business and community uses. The indicative Masterplan shows that the local centre will be located on the western extent of the site, beside Ashbourne Road.
- 3.11 A mixed-use development of this nature will help to build a sustainable and strong local centre; which will bring together those who work and live in the vicinity.
- 3.12 Flexibility is sought within the permission to allow a suitable mix of retail, business and community uses to emerge through the reserved matters applications. The uses will be tailored to respond to current market conditions and the future requirements of the occupiers. The proposed quantum of both retail and business floor space will not exceed 2,500sqm, and in the absence of a local target, and in agreement with officers during pre-application meetings, no impact or sequential test will be required as part of this planning application as the proposed amount of these uses do not exceed national thresholds.

Access

- 3.13 The application proposes a main singular vehicular and pedestrian access point off Ashbourne Road, at the point of the exiting farm track. Improvement works will be carried out to this access and the existing footpath along Ashbourne Road.
- 3.14 A staggered junction will be created on Ashbourne Road to ensure that turning conflicts into the new development and the existing industrial estate opposite are minimised.
- 3.15 The existing PRow will be maintained and enhanced and new access links will be created through to Harpur Hill Road from the South and West of the development.

Public Open Space

- 3.16 It is proposed that 6.9 Hectares of open space will be provided within the development, including incidental green spaces throughout the development and a central green corridor.

Public Access to Fox Low

As part of the development, it is proposed that unfettered community access to the adjacent area of open space known as Fox Low, inclusive of the Scheduled Monument, will be delivered via a legal obligation under the S.106 agreement (shown edged blue at Figure 1). This will provide 19.5 ha of Informal Community Park for use by both the residents of the proposed development; as well as by the wider community and will constitute a significant community benefit.

4 Planning Policy Context

4.1 This section of the Planning Statement provides a summary of the relevant planning policy framework applicable to the determination of this application, including the development plan, national planning policy and any other material considerations, namely national housing and economic policy, the emerging development plan and its evidence base. It also considers the weight to be placed on the policies within this framework.

4.2 The adopted development plan, comprises:

- High Peak Local Plan (2005).

Other material policy considerations include:

- The National Planning Policy Framework (NPPF);
- Supplementary Planning Documents (SPD) / Guidance (SPG);
- The emerging Local Plan and associated evidence;
- The Plan for Growth (HM Treasury March 2011);
- The Ministerial Statement issued by Greg Clarke (Minister of State for Planning) entitled 'Planning for Growth' dated March 2011;
- Laying the Foundations: A Housing Strategy for England (2011); and
- The Ministerial Statement Housing and Growth (2012)

Development Plan and Weight in Decision Making

4.3 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications must be determined in accordance with the development plan unless material considerations indicate otherwise. This is confirmed by Paragraphs 11 and 12 of the National Planning Policy Framework (the Framework) which continues to place importance on the plan-led approach.

4.4 The Framework also makes clear at paragraph 215 that as more than 12 months have passed since its publication, due weight should be given to relevant policies in existing plans according to the degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight may be given).

4.5 The adopted development plan for High Peak comprises the saved policies of the High Peak Local Plan (HPLP) (adopted) March 2005.¹

¹ The East Midlands Regional Spatial Strategy was formally revoked by the Government on the 12th April 2013 via Statutory Instrument SI 2013/629; as such the RSS no longer constitute part of the Development Plan.

- 4.6 Relevant policies of the development plan documents are summarised below, followed by an assessment of weight that may be attributed to these in determining planning applications, as per the Framework:

'Saved' Policies of the High Peak Local Plan (2005)

- 4.7 The High Peak Local Plan was adopted in 2005 and forms part of the statutory Development Plan for the borough. It provides the basis for decisions related to land use planning and its policies have been 'saved' by the Secretary of State until it is replaced by the new High Peak Local Plan.
- 4.8 The application site lies immediately adjacent to the southern edge of the Buxton settlement boundary. The site itself is designated as Countryside (Policy 9 – OC1); and the land immediately to the south-east of the site, edged blue is designated as a Special Landscape Area and includes a Scheduled Ancient Monument, known as Fox Low.
- 4.9 The HPLP was prepared in conformity with the Derby and Derbyshire Structure Plan (2001). It is therefore based on a settlement strategy set out in Policy 1 (GD2) that directs new development to the main settlements, including Buxton, where development was to be accommodated within the built-up area.

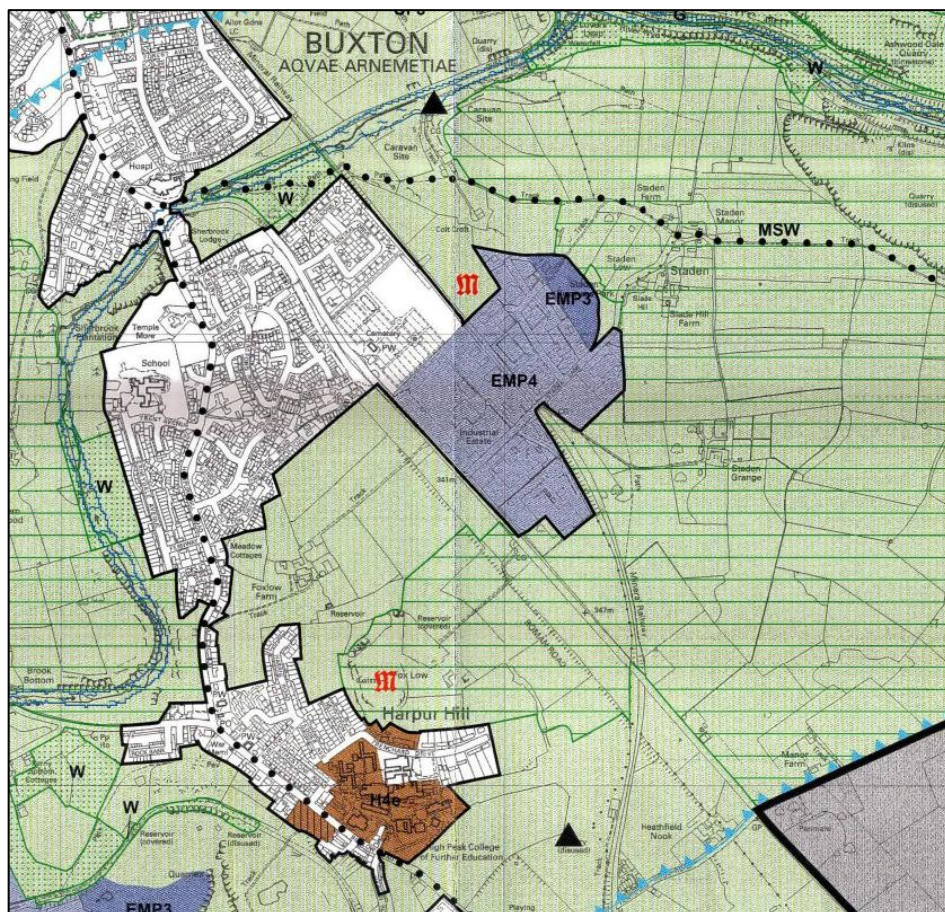


Figure 3: Extract from the saved High Peak Local Plan Proposals Map 2005

The Housing Requirement

- 4.10 At the point of adoption of the plan in 2005, the rate of housing delivery in the Borough had almost exceeded the Structure Plan requirement in two of Borough's sub-areas; although, in Buxton a small shortfall of 330 dwellings had been identified. In order to maintain strategic planning objectives and to ensure the HPLP was not undermined, HPBC restricted further housing development on both green and brownfield land (Policy 40 – H1); apart from a number of small housing allocations in Buxton; all of which have long-since been developed (Policy 42 – H4).
- 4.11 The Structure Plan housing figures have now expired as they only planned for housing requirements until to 2011; consequently they carry no weight. The evidence base for the revoked East Midlands Regional Strategy identified that there was a need for at least 300 more new homes in the Borough (per annum) between 2006 and 2028. In the absence of any more up-to-date objectively assessed evidence for housing needs, it is considered that the East Midland Regional Strategy (RSS) evidence represents the most up-to-date housing requirement position to which greatest weight should be attached. This position is affirmed by an inspector in a recent appeal decision (May 2013) in relation to Forge Works, Chinley.
- 4.12 It is, however, noted that the Borough's emerging Local Plan has set a lower housing figure of 270 dwellings per annum; but this document and its evidence base, has not yet to be subject to public examination and is still subject to change through the local plan process. Consequently, on the basis paragraph 216 of the Framework, this emerging housing requirement figure is considered to carry minimal weight.
- 4.13 Although the saved HPLP policies identify Buxton as one of the key settlements in which the majority of long-term growth in High Peak will be accommodated, its aim was to accommodate development within the existing settlement boundary.
- 4.14 The Council's evidence base to the emerging Local Plan clearly acknowledges that the delivery of new housing in High Peak will necessitate development outside existing settlement boundaries. Therefore this policy position is now restrictive and cannot facilitate delivery of the Borough's future housing requirements; it therefore cannot satisfy the requirements of Paragraph 14 of the Framework in terms of positively meeting the development needs of the area, and '*meeting objectively assessed needs with sufficient flexibility to adapt to rapid change*'. The HPLP housing policies are therefore clearly time-expired and out of date.
- 4.15 It is not just the development strategy and settlement boundary policies of the Local Plan that are out of date. The associated saved Policy 1 (GD2) and 9 (OC1) concerning development in the countryside, are similarly out of date as it is no longer appropriate to restrict new residential development to the settlement boundaries or to site-specific allocations.
- 4.16 In the appeal decision² of 28th May 2012 for the development of up to 200 dwellings at Sellars Farm, Hardwicke, Gloucestershire, the Inspector concluded that the equivalent saved Policy HN10 of the Stroud Local Plan, precluding new residential development outside defined settlement boundaries, was in significant conflict with the Framework and the presumption in favour of sustainable development because it does not allow for sustainable development that would help to meet a shortfall in provision for the current identified housing requirement. As a

² Appeal Ref. APP/C1625/A/11/2165865

material consideration, the advice in the Framework outweighed the inconsistency of the proposed development at Hardwicke with saved Policy HN10 of the development plan and justified the granting of planning permission.

- 4.17 The same approach was also taken in the more recent appeal decision³ of 19th June 2012 for the development of 221 dwellings at Cockermouth, Cumbria (paragraph 15) and although it predated the Framework, the decision⁴ at Henthorn Road, Clitheroe where the Inspector agreed that Policy G2 of the Districtwide Local Plan had been overtaken by more recent policy guidance.
- 4.18 In the absence of up to date housing policies within its development plan, HPBC is therefore entirely dependent on windfall development as its only source of housing supply which should be determined against the default policies within the Framework, including the presumption in favour of sustainable development.

Employment Policies

- 4.19 The saved employment policies in the HPLP seek to direct new employment development to site-specific allocations, or to the built-up areas, in accordance with the settlement strategy set out in Policy 1 (GD2).
- 4.20 The HPLP employment policies, however, were based upon the employment land requirements of the Structure Plan which only planned for requirements up until 2011; these policies have therefore expired and therefore carry no weight.
- 4.21 This policy position, therefore, cannot satisfy the requirements of Paragraph 14 of the Framework in terms of positively meeting the development needs of the area, and *'meeting objectively assessed needs with sufficient flexibility to adapt to rapid change'*. The HPLP employment policies are therefore clearly time-expired and out of date. It is considered, therefore, that the proposals should be considered against the default policies in the Framework, including the presumption in favour of sustainable development.
- 4.22 In relation to employment development, the Framework establishes planning should:
- "...operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system"* (paragraph 19)

Retail Policies

- 4.23 The saved retailing policies in the HPLP (Policy 30/TC4) were prepared in accordance with the national guidance within PPG6; which has now been superseded by the Framework. The saved policies allow development of large retail stores outside of the town centre and are therefore not consistent with the Framework and thus carry no weight.

³ Appeal Ref. APP/G0908/A/11/2151737

⁴ Appeal Ref. APP/T2350/A/11/2161186

- 4.24 The retail aspects of the proposed development should therefore be considered against the default policies within the Framework, including the presumption in favour of sustainable development.
- 4.25 In relation to retail development, the Framework identifies that there are two requisite retail policy tests. In relation to the proposed development, it would be necessary to address the sequential test; which indicates that out-of-centre sites for retail development should not be considered suitable, unless the applicant demonstrates that floor space cannot be located in the first instance in town centres and then in edge-of-centre locations (paragraph 24). The impact assessment, however, would not apply to the proposed development because the quantum of floor space proposed will not exceed the 2,500 sq m thresholds set out in paragraph 26.

Development Management Policies

- 4.26 Of the saved Local Plan the only policies to which weight can still be attached, are the environmental, design and technical development-management policies of the Local Plan which remain relevant and largely consistent with the Framework;
- Policy 3 (GD4 – Character, Form and Design) sets out the general criteria to be applied to new development; requiring its scale, layout, density, form, height, proportions, design, colour and materials of construction, elevations and fenestration and any associated engineering, landscaping or other works will be sympathetic to the character of the area, and do not give rise to undue detrimental effect on the visual qualities of the locality or the wider landscape.
 - Policy 4 (GD5 – Amenity) sets out that planning permission will be granted provided that the development would not create a unacceptable loss of privacy or general amenity as a result of overlooking, loss of daylight/sunlight, overbearing effect, air/water/noise/light/other pollution, risk from hazardous substances, and traffic safety and generations.
 - Policy 5 (GD6 – Landscaping) sets out that planning permission will be granted provided that, where appropriate, development will contain a high standard of hard and/or soft landscape treatment in keeping with the character of the area.
 - Policy 6 (GD7 – Crime Prevention) is supportive of development provided that their design, layout and landscaping will help create a safe and secure environment and minimise the opportunities for crime to be committed.
 - Policy 12 (OC4 – Landscape Character and Design) sets out that planning permission will be granted for development provided that its design is appropriate to the character of the landscape; which will accord with the characteristics of the landscape, having regard to and conserving: the landform and natural patterns of drainage; the pattern and composition of trees and woodland; the type and distribution of wildlife habitats; the pattern and composition of field boundaries; the pattern and distribution of settlements and roads; the presence and pattern of historic landscape features; the scale, layout, design and detailing of vernacular buildings and other traditional manmade features.

- Policy 25 (BC10 – Archaeological and Other Heritage Features) sets out that planning permission will be granted, provided that there will not be a significant adverse effect upon known archaeological or heritage features.
- Policy 78 (TR1 – Transport Implication of New Development) identifies that planning permission will be granted for new development provided that it seeks to reduce the need to travel, widen the transport choice for people and goods, and integrate transport and land use.
- Policy 82 (TR5 – Access, Parking and Design) sets out that planning permission will be granted for development which makes safe and appropriate access and egress by pedestrians, cyclists, public transport users, and the private care.
- Policy 85 (TR11 – Footpaths Bridleways and Byways) sets out the criteria that will be used to assess the impact of the development upon any existing public rights of way.

Other Material Planning Considerations

The National Planning Policy Framework

- 4.27 The Framework was published in March 2012. It sets out the Government's policies for the planning system and how these are expected to be applied positively and pro-actively to deliver sustainable economic growth and new development to meet identified needs. It replaces all previous Planning Policy Statements and Planning Policy Guidance notes.
- 4.28 The Framework endorses the merits of a plan-led system and is a material consideration in the determination of planning applications.

Achieving Sustainable Development

- 4.29 The key objective at the heart of the Framework is to achieve sustainable development. It identifies the three dimensions of sustainable development, namely economic, social and environmental considerations and advises that these are interdependent and should not be treated in isolation in the consideration of planning issues.
- 4.30 Paragraph 17 of the Framework also sets out 12 Core Planning Principles underpinning plan-making and decision-taking. These are intended to shape and influence the sustainable attributes of development proposals, but are also aimed at the process, requiring the operation of the planning system by local planning authorities to:
- not simply be about scrutiny, but to be a creative exercise finding ways to enhance and improve places, and to;
 - Pro-actively drive and support sustainable economic development to deliver the homes, development and places the country needs.
- 4.31 As a material consideration in the determination of planning applications, Paragraph 14 of the Framework seeks to foster the delivery of sustainable development by establishing a '*presumption in favour of sustainable development*', which for decision-taking 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 the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

4.32 The Framework makes it clear that for development plan policies to be afforded full decision-making weight (for the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004), they must be up to date. This is defined as being prepared in accordance with the 2004 Act and consistent with the Framework, and requires assessment of the following questions:

- does the development plan positively seek opportunities to meet the development needs of the area? [paragraph 14];
- does the plan meet objectively assessed needs, with sufficient flexibility to adapt to rapid change? [paragraph 14], and;
- to what extent can it be said that the development plan is underpinned by the 12 Core Principles set out in the Framework? [paragraph 17]

4.33 For those authorities reliant upon the saved policies of old-style 1990 Act development plans, Paragraph 215 of the Framework states:

“.....due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework.”

4.34 In other words, the closer the saved policies of an old-style development plan are to the policies of the Framework, the greater weight they may be given in the decision-making process.

4.35 As the strategic development and housing policies of the Local Plan are now materially out of date the weight which can be given to them in the determination of the application is limited. Conversely the weight to be afforded to the provisions of the Framework in the determination of this planning application is substantial. This is discussed in further detail under Section 6 of this statement.

4.36 Paragraph 216 of the Framework also allows weight to be afforded to emerging development plans according to their stage of preparation, the number of unresolved objections against them and the degree of consistency with its policies. As the emerging High Peak Local Plan has yet to be submitted for examination only limited weight can be afforded to it, however it is instructive in terms of its ‘direction of travel’ of the emerging strategic policy in the borough.

Delivering Sustainable Development

4.37 The remainder of the Framework contains thematic chapters mirroring the subject content of former PPS / PPGs. Of relevance to the proposed development at Ashbourne Road, it requires planning authorities to:

- help achieve economic growth by proactively supporting an economy fit for the 21st century, including growth in rural areas to create jobs and prosperity, by taking a positive approach to sustainable development;
- significantly boost the supply of housing by annually identifying a 5-year supply of deliverable sites, with an additional buffer of 5% (moved forward from later in a plan period) to ensure choice and competition. Authorities with a persistent record of under-delivery should provide a 20% buffer. Local plan housing supply policies should not be considered up-to-date if the local planning authority cannot demonstrate a deliverable five-year supply of sites. Paragraph 52 also notes that; *“the supply of new homes can sometimes be best achieved through planning for larger scale development, such as.....extensions to existing villages and towns.”*;
- seek high quality and inclusive design;
- promote healthy communities;
- promote sustainable transport and only refuse development where the residual cumulative impacts are severe;
- conserve the natural and historic environment, and;
- meet the challenge of climate change and the move to a low carbon future.

Supplementary Planning Documents

4.38 The Council has prepared a number of Supplementary Planning Documents (SPDs) which support the HPLP.

4.39 It is considered that the Housing Restraint SPD (2006) is now out-of-date as it was linked to policies in the Local Plan which restrain housing growth and is therefore contrary to the Framework. It therefore attracts nil weight.

4.40 The relevant aspects of the remaining SPD are summarised below:

Housing Needs in High Peak SPD (2007)

4.41 This SPD supports the saved affordable housing policy; in particular it identifies that the negotiations shall be conducted to seek the provision of affordable units of a number equivalent to 30% of the total units on the site.

Landscape Character SPD (2006)

- 4.42 This document provides guidance for the design of new developments and alterations to existing developments, including associated landscape design

Residential Design Guide SPD (2005)

- 4.43 This SPD provides a local contribution to the nationwide agenda for creating a step change in the quality of new housing layout and design.

Planning Obligations SPD (2005)

- 4.44 This SPD identifies that the Council will seek contributions in relation to the following topic area affordable housing, open space, education, transportation, drainage, and land management.

Emerging High Peak Local Plan: Preferred Options

- 4.45 The Council is currently in the process of producing a new Local Plan. The plan has now reached the preferred options stage and public consultation was carried out between February and April 2013. It is anticipated that the Submission Draft of the plan will be published in March 2014 and will then be submitted for examination in summer 2014 with adoption anticipated in February 2015.
- 4.46 The evidence and emerging preferred policy identifies that:
- Policy S 1 seeks to make provision, at the local level, for the “presumption in favour of sustainable development” which lies at the heart of the Framework.
 - Policy S 2 identifies the Council’s spatial development priorities for High Peak over the period to 2028, which seeks to focus future growth in Market Towns, such as Buxton.
 - Policy S 3 supports the spatial strategy detailed in Policy S 2 and acknowledges the need to actively plan for housing growth in High Peak. It makes provision for a minimum of 5,940 new dwellings (net) to be delivered in the Borough between 2010 and 2028, at an annual average rate of 270 dwellings per annum [dpa], and outlines the principles to guide when and where this new housing will be delivered.
 - Policy S 7 identifies the sub area strategy for Buxton which outlines the Councils aspirations to establish Buxton as England’s leading Spa Town and consolidate its role as the principle service centre for the Peak District. In particular, this policy identifies that in order to meet the housing needs for Buxton it will be necessary to allocate sites on land adjacent to the existing urban area outside current settlement boundaries.
 - Policy H 2 proposes the release of land for housing will be phased to ensure a continuous supply of land throughout the plan period. The broad approach towards phasing and time of release of allocated sites is established in Policy H 3.

- Policy E 2 outlines the Council's aspirations to establish New Employment Development within the Borough. Policy E 2 proposes that sites identified will be allocated for use classes B1, B2 and B8.
- Policy DS 15 proposes the allocation of Land off Ashbourne Road and Foxlow Farm for mixed use development for up to 250 dwellings and 2 hectares of employment land. The principle of mixed use development on the application site is therefore supported by HPBC.

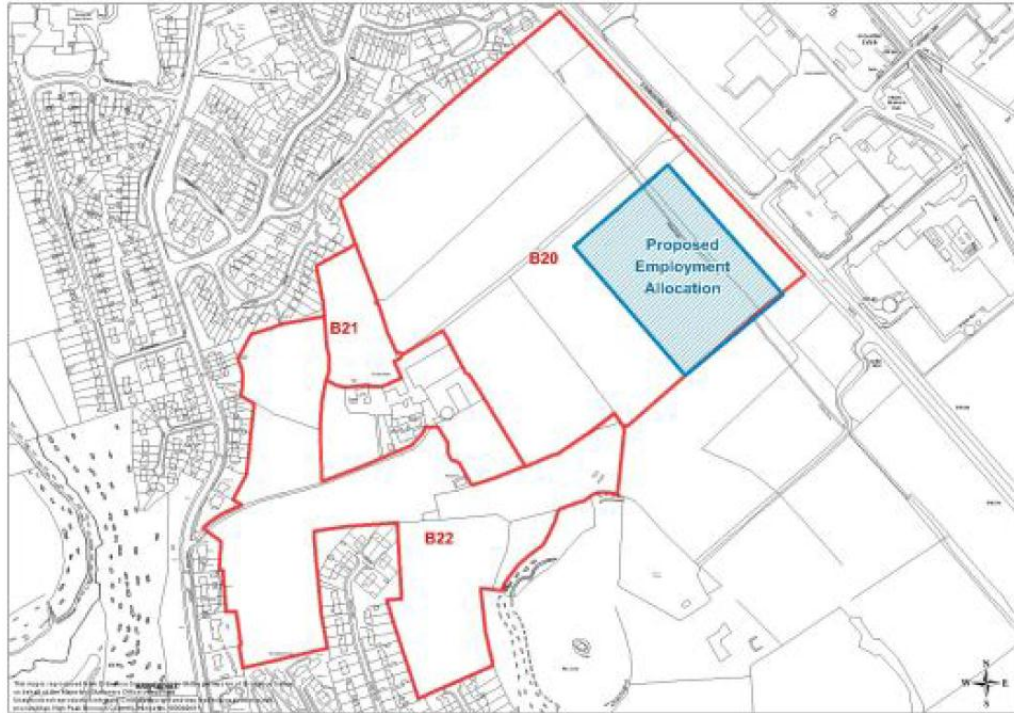


Figure 4: Extract from the Preferred Options High Peak Local Plan Proposals Map 2013

- 4.47 The Framework (paragraph 216) is clear that decision-takers may also give weight to relevant policies in the emerging plan according to: the stage of preparation; the extent to which there are unresolved objections to relevant policies and the degree of consistency of relevant policies with the policies in the Framework.
- 4.48 The emerging Local Plan is instructive in terms of the 'direction of travel' of emerging strategic policy in the Borough and the minimum quantum of housing growth that is required; The principle of the development to be brought forward is therefore supported however, given the stage of preparation, only limited weight can be given to the emerging policies at this time.
- 4.49 In relation to policy DS 15, the applicant (HLM) has made objections to aspects of the policy on the grounds that they do not believe that there is any evidence to restrict development below the 350m contour line and at 250 dwellings. It is considered that this element of the policy is unjustified. Due to the unresolved objection in relation to the site capacity figure, it is considered that no weight can be given to this part of the policy; however limited weight can be given to the Council's overarching strategy to consider the release of this greenfield site to meet the future growth of Buxton.

Five-Year Land Supply

- 4.50 HPBC, by its own admission, does not have a deliverable 5 year supply of land. Housing land supply has been considered at two recently allowed appeals at; Manchester Road / Crossings Road, Chapel-en-le-Frith⁵ for 105 dwellings and Forge Works, Chinley⁶ for a mixed use scheme including up to 182 dwellings.
- 4.51 In the most recent appeal case, Forge Works, allowed by the inspector in May 2013. HPBC accepted that the Borough's housing land supply is currently around 2.8 years.
- 4.52 The Inspector found that the appeal site would "*contribute significantly*" towards reducing the current shortfall in housing supply; and concluded that this matter carried "*significant weight*" in her consideration of the appeal proposal (paragraph 34).
- 4.53 It is also worthy of note that the parties in the Forge Works case were asked by the Inspector to comment on the implications of the RS revocation in the context of housing land supply matters. It was agreed by both parties that the RS headline figure of 300 dwellings per annum remains relevant to the determination of planning applications until such time as an alternative figure has been submitted for examination and found sound by an Inspector appointed by the Secretary of State.
- 4.54 The inspector's conclusions in the Manchester Road / Crossings Road case are also of relevance to HPBC's land supply position. He concluded that the Council's calculation of its deliverable housing land did not comply with Footnote 11 of the Framework and that HPBC is persistently under delivering in respect of housing and therefore a 20% buffer should be applied (Paragraph 14).
- 4.55 Adopting the Sedgfield method, by making up any shortfall over the first five years of the plan period, we consider that at best the deliverable supply is 2.7 years. This assumes that all sites in the identified supply will deliver as expected (which is optimistic) and also takes no account of completions from 1 April 2012. Clearly any continued under-performance would have the effect of increasing the adjusted annual requirement. The basis of our calculation is set out below:

- *Regional Strategy requirement (2006-2028) = 6,000.*

- *Regional Strategy requirement (annualised) = 300.*

- *Regional Strategy Requirement 2006 – 2012 (6 x 300) = 1,800*

- *Minus completions (2006 – 2012) = 1,522.*

- *Under performance (2006 – 2012) = 278.*

- *Under performance over spread over 5 years = 56 per annum.*

- *Annual requirement 300 (Regional Strategy requirement) + 60 (20% buffer) + 56*

(previous under performance over 5 years) = 416.

⁵ Appeal Reference: APP/H/1033/A?11?2159038

⁶ Appeal Reference: APP/H1033/A/13/2189819

- Identified supply 1,118 (1,118 /416) = 2.7 years

4.56 On any fair assessment of the headline housing land supply figures, it is evident that HPBC has a chronic shortage of market and affordable housing.

4.57 Paragraph 49 of the Framework establishes that:

“Relevant policies for the supply of housing in development plans should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”

4.58 Therefore as HPBC cannot demonstrate a five-year supply of housing the saved housing policies in the HPLP, which seek to direct housing development to the existing built-up areas and specific site allocations, are considered to be out-of-date and proposed development should be considered against the default policies in the Framework, including the presumption in favour of sustainable development.

4.59 Moreover, the Forge works appeal decision has established that, “*significant weight*” should be given to housing proposals which contribute towards addressing the Borough’s housing deficit. As the application proposals would help to boost significantly the supply of housing and would help to ensure choice and competition in the market for land. These are matters to which significant weight should be afforded.

The Planning System: General Principles (ODPM 2005)

4.60 This retained practice guidance provides a general description of key elements of the planning system, including the determination of planning applications. It should be read in the context of the National Planning Policy Framework.

4.61 Paragraphs 17 and 18 indicate that a refusal of planning permission on the grounds of prematurity “*will not normally be justified*” and is only likely to be appropriate “*where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice an (emerging) DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD*”.

4.62 Further to this, Paragraph 19 confirms that where planning permission is refused on the grounds of prematurity, the planning authority will need to demonstrate clearly how the grant of permission for the development concerned would prejudice the outcome of the DPD process.

The Plan for Growth (HM Treasury 2011)

4.63 From taking office in May 2010, the Coalition Government has remained committed to its rolling Growth Review programme and the reform of the planning system so that it actively encourages growth.⁷

⁷ Chapter 3 *Local Growth : Realising Every Place’s Potential*, DCLG [October 2010]

4.64 Announced in parallel with the March 2011 Budget, the Plan for Growth and its accompanying written Ministerial Statement⁸ is based on the premise that ‘...*there is a pressing need to ensure that the planning system does everything it can to help secure a swift return to economic growth*’. It seeks to establish a new set of priorities for the planning system which reflects the importance of sustainable growth within the current economic context.

4.65 Heralding the National Planning Policy Framework and the presumption in favour of sustainable development, the Statement confirms that the delivery of a sufficient quantum of housing, of the right type of land is, fundamental and as much a part of the growth agenda as direct economic development. It states that;

“When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. They should therefore.....ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing”;

4.66 As a consequence, the Statement also indicates that:

“the Government’s clear expectation is that the answer to development and growth should wherever possible be ‘yes’, except where this would compromise the key sustainable development principles set out in national planning policy”.

4.67 The CLG’s Chief Planner has made clear that the Minister’s statement comprises a material consideration in planning decisions.⁹

Laying the Foundations: A Housing Strategy for England (2011)

4.68 This *Strategy* is a response to earlier Ministerial Statements and budget announcements and recognises that a thriving housing market is critical to the economic and social well-being of the country. It sets out Government proposals to invigorate the housing market, including:

- supporting a new build Indemnity Scheme providing 95% mortgages;
- establishment of a £500m Growing Places Fund to support infrastructure that unblocks housing and economic growth;
- launching a new £400m ‘Get Britain Building’ investment fund to help unlock progress on stalled sites; and
- supporting new development, including modern garden cities, urban and village extensions.

Housing and Growth (DCLG 2012)

4.69 On 6th September 2012 the Secretary of State for Communities and Local Government made a further announcement confirming that the No.1 priority for Government is to get the economy growing. He stated that the need for new homes is acute, but supply remains constrained, noting that housing schemes in areas of high demand could provide a real benefit to the local

⁸ Written Ministerial Statement : Planning for Growth - Greg Clark Minister for Decentralisation [March 2011]

⁹ Letter from Steve Quartermain (DCLG) to all Chief Planning Officers in England [March 2011]

community once delivered. The Statement set out Government's commitment to work in partnership with local authorities, promoters and the community to deliver major housing sites.

Budget Report (HM Treasury 2013)

- 4.70 The Government has most recently announced a £5.4bn package of financial support to tackle *long-term* problems in the housing market including:
- *Help to Buy* : a mortgage guarantee scheme (replacing NewBuy) up to £600,000 to increase the availability of mortgages for aspiring homeowners who can only raise funds for small deposits
 - *Help to Buy (equity loan)* : an equity loan worth up to 20% of the value of a new build home and repayable once the home is sold (replacing FirstBuy)
 - *Build to Rent* : the fund will be expanded from the £200m originally announced in 2012 to £1 billion, following the massive response to the Government's Build-to-Rent Prospectus in December 2012, and
 - *Affordable Homes Guarantee*: this will be doubled providing a further £225m to support the building of 15,000 new affordable homes.

Summary of Key Policy Themes

- 4.71 The Government's expectations, the clear thrust of national planning policy and the wide range of *associated* Ministerial Statements, Growth Plans and financial incentives designed to kick-start economic recovery and housebuilding, is that local authorities should adopt a positive and proactive approach to sustainable economic growth; making every effort to meet housing, business and other development needs: responding positively to wider opportunities for growth and seeking to approve sustainable development wherever possible.
- 4.72 Planning authorities are required to boost significantly the supply of housing and demonstrate a deliverable supply of five years' worth of housing against their requirements with an added 5% or 20% flexibility allowance.
- 4.73 The development plan comprises the saved policies of the High Peak Local Plan. The application site is identified in the Local Plan as countryside immediately adjoining the settlement of Buxton, however the plans housing and countryside policies are now out of date.
- 4.74 The emerging High Peak Local Plan and evidence base identifies Buxton as a spa town which will accommodate housing to support growth in the period 2006 to 2028 and to which, it is directed via the spatial hierarchy and spatial distribution.
- 4.75 An assessment of the Council's claimed housing supply confirms that it cannot demonstrate a supply of specific deliverable sites that is sufficient to provide five years' worth of housing against its housing requirement, in accordance with paragraph 47 of the Framework. Indeed, the assessment demonstrates an extremely limited supply of deliverable sites.
- 4.76 The site is identified as a mixed use residential lead development in the emerging High Peak Local Plan. It sets out that the site is within a sustainable location and is well related to a range of

services and facilities. It concludes that the site is capable of accommodating development and making a contribution towards meeting the needs for market and affordable housing.

In accordance with a recent appeal decision in High Peak, significant weight should be given to housing proposals which contribute towards addressing the Borough's housing deficit. As the application proposals would help to boost significantly the supply of housing and would help to ensure choice and competition in the market for land. These are matters to which significant weight should be afforded.

5 The Decision-Making Framework

The Statutory Basis for Determining the Planning Application

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 refers to the Development Plan as a whole and requires that:

'If regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the Plan unless material considerations indicate otherwise'.

- 5.2 This is in addition to Section 54A of the 1990 Act, and is a reiteration of the presumption in favour of development that accords with an adopted and up to date Development Plan, as qualified by Paragraph 12 of the Framework.

- 5.3 The Framework also makes it clear that development plans should be kept up-to date and in accordance with its policies at all times, following the approach of the presumption in favour of sustainable development. For that reason, wherever an adopted Development Plan is absent, silent or not up to date, or where there is more than limited conflict with its policies, the Framework will carry greater weight as a material consideration in the decision-making process. In accordance with paragraph 14 (2nd bullet) of the Framework, planning permission should be granted except where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, unless specific policies in this Framework indicate development should be restricted.

- 5.4 On this basis, the key issues to determine in the consideration of this planning application are whether;

- the development proposals are in accordance with the relevant policies of the adopted Development Plan, insofar as they apply and the degree of weight that can be reasonably attributed to them;
- the assessment of all other material considerations, including the National Planning Policy Framework and the application of the presumption in favour of sustainable development point towards the appropriateness of a grant of planning permission in the planning balance.

- 5.5 The previous policy section of this Statement has established that a number of relevant HPLP policies in relation to the proposed development are out of date:

- the spatial strategy to direct development to the built-up area and to restrict development within the countryside (Policy 1/GD1 and Policy 9/OC1); and
- the specific development requirements for residential, employment and retail uses in the Borough (Policy 41/H1, Policy 42/H4, Policy 55/EMP3, Policy 30/TC4).

- 5.6 Consequently, the second part of the presumption in favour of sustainable development applies; and thus planning permission should be granted for the proposed development, unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole' or 'specific policies in this Framework indicate development should be restricted.'*

5.7 We note, however, that a number of design and technical development-management policies of the Local Plan which remain relevant and largely consistent with the Framework; and therefore these remain applicable to the application.

5.8 In view of the above, the relevant context for assessing the proposal is as follows:

- a) Part 1: Assessment against the Framework: Are there are any adverse impacts arising from the proposed development when assessed against the relevant policies of the Framework (and also any relevant saved HPLP policies consistent with the Framework?);
- b) Part 2: Specific Policy Restrictions: Are there are any specific policies in the Framework which indicate that development should be restricted?; and
- c) Part 3: Balancing Exercise: Do any adverse impacts from the proposed development significantly and demonstrably outweigh the benefits of the proposed development?

5.9 These issues are addressed in turn in the following section.

6 Planning Appraisal

Part 1: Assessment against the Framework

- 6.1 The Framework requires that an overall approach is taken to sustainable development, incorporating social, economic and environmental elements (paragraph 7). These elements should not be considered in isolation.
- 6.2 Paragraph 6 of the Framework makes clear that Sustainable Development means consideration of development proposals against policies under paragraphs 18 – 219 of the Framework as a whole. Such an assessment should be read in the context of the three dimensions set out in paragraph 7 of the Framework, and the guidance at paragraphs 8 – 17.
- 6.3 All elements of a scheme should be balanced; even if there is a conflict with one aspect of policy, a development may still be sustainable.
- 6.4 Not all of the policies in the Framework will be relevant to a particular development. Those elements of the Framework that are identified as relevant to this application are discussed in more detail below:

Building a Strong and Competitive Economy (Paragraph 18 to 22)

- 6.5 The Framework confirms at paragraph 18 that the Government is committed to securing economic growth in order to secure jobs and prosperity. Planning should not be an impediment to sustainable growth and significant weight should be placed on the need to support economic growth through the planning system (paragraph 19).
- 6.6 Housing development is a key component of economic growth; this is recognised in Government Policy and Ministerial guidance.
- 6.7 Recent Government statements recognise the importance of housing development to achieving economic growth and recovery. A press release issued by the Housing and Local Government Minister advises that:

“...increasing the rate of house building is the top priority for the Government’ and ‘there is no room for complacency in the drive to build more homes¹⁰”
- 6.8 In addition, the proposal will contribute to building a strong competitive economy by providing high quality homes needed to attract and retain economically active households and to rebalance the housing stock whilst contributing to the creation of new jobs and delivering Council Tax revenue and New Homes Bonus revenue for the Borough;

¹⁰ Press Release by Grant Shapps (Housing Minister) <https://www.gov.uk/government/news/no-complacency-in-the-drive-to-build-more-homes>.

- 6.9 On this basis, the provision of quality family housing at Ashbourne Road site on the edge of Buxton, is central to the achievement of sustainable economic growth in High Peak and is fully supported by the requirements and advice of the Framework.
- 6.10 The proposed development will also include a new local centre; delivering an appropriate mix of business, retail, and community uses which will create a range of job opportunities to support a sustainable residential development. The Framework is clear that '*significant weight*' should be placed on the need to support economic growth through the planning system.
- 6.11 The applicant is seeking a flexible permission which would enable the precise breakdown of floor space for each use to be agreed at reserved matters stage. This approach will ensure that the site will be able to rapidly respond to changes in the economic circumstances or market signals. This approach is wholly in accordance with the guidance given under paragraph 21 and 22 of the Framework.

Ensuring the Vitality of Town Centres (Paragraph 23 to 28)

- 6.12 The Framework recognises that residential development can play an important role in ensuring the vitality of centres and sets out policies to encourage residential development on appropriate sites.
- 6.13 As part of this mixed-use development, the proposed local centre will include some retail uses. The local centre is a key aspect of the sustainability of this new development and will help create a central area for the community. Given the scale of the development, and the fact that the area of Harpur Hill does not have a local centre its self, the new local centre will serve the catchment of the local area and would not compete with Buxton's town centre.
- 6.14 The precise type and quantum of retail floor space will be defined under the reserved matter application; which will enable flexibility for the site to respond to current market conditions when the local centre is delivered. The extent of floor space, however, will not exceed 2,500 sq m and therefore there is no requirement to carry out an impact assessment under the Framework (paragraph 26).
- 6.15 The proposals therefore would deliver a range of community uses and facilities to ensure the development is sustainable.

Promoting Sustainable Transport (Paragraph 29 to 41)

- 6.16 The application site occupies a sustainable location benefiting from good accessibility to Buxton and local retail and related services, as well as public transport connections. The proposal will therefore promote the adoption of more sustainable transport choice amongst future residents.
- 6.17 The impact on the local road network has been considered by consultants AECOM, who conclude that it is within acceptable limits and therefore meets the test set out at paragraph 33 of the Framework.
- 6.18 The proposals accord with the principle of promoting sustainable transport.

Delivering a Wide Choice of High Quality Homes (Paragraph 47 to 55)

- 6.19 Paragraph 47 of the Framework states that to “*boost significantly*” the supply of housing, Local Planning Authorities should identify a supply of immediately deliverable sites sufficient to provide 5 years supply with an additional buffer of 5%; and identify further deliverable sites to meet the requirements of years 6-10. Paragraph 48 requires housing applications to be considered in the context of the presumption in favour of sustainable development.
- 6.20 HPBC cannot demonstrate a deliverable 5 year supply of land. This was confirmed at a recent appeal and at best can only demonstrate a 2.7 years supply of deliverable housing sites. There is therefore an urgent need to grant planning permission for new housing on deliverable housing sites in sustainable locations.
- 6.21 The proposed development is considered to be deliverable within five years and will therefore contribute to meeting the existing deficiency in the Council’s overall supply. This is reflected in the Council’s SHLAA which identifies the site as being suitable for residential development.¹¹
- 6.22 This application seeks to deliver up to 375 dwellings; and this has been assessed within the suite of supporting technical information to be wholly appropriate for the site and its surroundings. It is noted, however, that the SHLAA, and the emerging Local Plan allocation for the site (Policy DS 15), has identified that the site can accommodate a maximum of 250 dwellings. This lower capacity has been determined because the development has been restricted below a 350m contour line; although there is no evidence to justify this position.
- 6.23 The applicant, however, has undertaken a Landscape and Visual Assessment (LVIA) prepared by FPCR. The document demonstrates that development can be comfortably accommodated above the specified contour level; consequently a capacity of up to 375 dwellings would therefore be wholly appropriate for this site and its surrounding characteristics.
- 6.24 The proposals accord with the principle of delivering a wide choice of high quality homes, with the development providing market and retirement/extra care housing,
- 6.25 A proportion of affordable housing will also be provided onsite in accordance with Policy H9 of the adopted HPLP which will be discussed and agreed with HPBC as part of a section 106 Agreement. The tenure will also be negotiated through the same statutory consultation process.

Requiring Good Design (Paragraph 56 to 68)

- 6.26 The Framework attaches great importance to the design of the built environment, in that “Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people,” (Paragraph 56).
- 6.27 The application is submitted in outline with all matters except for access. The proposals are supported by a detailed Design and Access Statement which includes a Development Framework plan and an illustrative masterplan, providing one articulation of how the site could be built out in accordance with the established parameters and development principles for the scheme.

¹¹ SHLAA (2009) Site Ref: HP847 & SS077

- 6.28 In addition to establishing a set of defined parameters for the development, the submission also includes key design principles which the development will be delivered in accordance with. These principles provide a guide as to the eventual form which the development will take. They have been informed by a detailed assessment and understanding of the site context and the opportunities and constraints it presents. They ensure that the final development positively responds to this context and therefore serve to facilitate the delivery of a high quality development. The development principles are set out in detail within the Design and Access Statement and are reflected on the submitted illustrative masterplan.

Promoting Healthy Communities (Paragraph 69 to 78)

- 6.29 Healthy communities are those that interact and are cohesive, the location of the application site forms a natural and not-incongruous extension to the south of Buxton. In addition, this development proposes new pedestrian links, which not only link different parts of the development site, but also link the development with the surrounding area, ensuring that it is not a standalone development.
- 6.30 The proposed development will also include a local centre which will deliver an appropriate mix of employment generating uses, such as employment and retail; as well as community uses, such as a medical centre. The Framework encourages mixed-use developments of this nature because they help to build sustainable neighbourhoods which bring together those that work and live in the area.
- 6.31 The proposals will also include informal recreation open spaces and provide permeable and legible pedestrian routes through the site and into surrounding residential areas of Buxton and into the surrounding countryside. In particular, the proposals will deliver community access to Fox Low. The Framework is clear that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
- 6.32 The proposals would therefore promote the principles of a healthy community and deliver sustainable development in this respect.

Meeting the Challenge of Climate Change and Flooding (Paragraph 93 to 108)

- 6.33 The site is in a sustainable location with access to good public transport and within walking and cycling distance of key facilities. Its development is consistent with the objective of minimising the need to travel and thereby minimising any contribution of vehicle emissions to climate change.
- 6.34 The construction of the proposed development would meet all relevant standards and Building Regulations in relation to sustainability.
- 6.35 The proposal is accompanied by a detailed Flood Risk Assessment, prepared by AECOM, which demonstrates that there will be no adverse effects with regards to flood risk as a result of this application.
- 6.36 Overall, the proposals would accord with the Framework in terms of meeting the challenge of climate change and flooding.

Conserving the Natural Environment (Paragraph 109 to 125)

- 6.37 Whilst the site is greenfield land, the SHLAA demonstrates that there are no large scale brownfield sites within or adjacent to Buxton that could accommodate the level of development proposed and Paragraph 111 of the Framework is clearly not focussed on precluding greenfield development where there are no alternative previously-developed sites available.
- 6.38 The environmental effects of the proposed development have been assessed below:

The best and most versatile agricultural land

- 6.39 The application site, in terms of agricultural land quality, is designated as poor (Grade 4) / very poor (Grade 5) on the Natural England Agricultural Land Classification Map (East Midlands). The proposed development will not therefore result in the loss of the best and most versatile agricultural land and therefore complies with Paragraph 112 of the Framework.

Landscape and Visual Amenity

- 6.40 An LVIA has been carried out and produced by FPCR to accompany the planning application. The document demonstrates that the proposed development will ultimately result in a range of beneficial effects upon the landscape.
- 6.41 Fox Low is proposed to be retained and protected, together with the rising land which gives it prominence. Proposed built development would be situated on the lower land below the hill and would not appear intrusive within views.
- 6.42 The proposed Green Infrastructure framework will ensure the protection and enhancement of existing features of value in accordance with the principles outlined in Borough's Landscape Character SPD. Potential substantial or moderate adverse effects occurring during the particular phases of construction works will be temporary and will be restricted to localised areas situated within or immediately adjacent to the site. The completed development, however, would not result in permanent substantial or moderate adverse effects.
- 6.43 The proposed development is restricted by the landform of Fox Low with localised views of the proposed development, from the existing residential edge, being largely limited to properties situated at Harpur Hill adjacent to the site.
- 6.44 There are two wider landscape areas surrounding the site; White Peak Pastures and White Peak Limestone Moorland. Both areas hold a local landscape quality designation "Special Landscape Area" in the HPLP under Policy OC3. Long distance views of part of the proposed development would be seen in the close context of adjacent residential settlement at Harpur Hill and industrial development at Staden Lane therefore the magnitude of change upon this character area would be very low.
- 6.45 Overall, the proposals would protect and enhance valued landscapes and would accord with the Framework.

Ecology

- 6.46 The application is accompanied by an Ecological Appraisal, prepared by FPCR, which draws the following conclusions:
- Plant communities and species – The majority of habitats within the application site were of limited nature conservation value being largely dominated by intensively managed agricultural land and of correspondingly low species diversity and richness. The site does, however, include small woodland copses which are likely to provide significant shelter and foraging habitat for wildlife. All copses will be retained within the proposals and are shown on the development framework.
 - Badgers – The presence of badgers in the local area was confirmed in the form of field signs located within the site indicating that it forms the home range of a badger social group. No setts would be directly affected by proposals and given the availability of suitable foraging habitat that is to be retained it is unlikely that significant effects would arise.
 - Bats – The proposals will result in the loss of a single occasionally used common pipistrelle roost within a single farm building; however no bats were seen to emerge or re-enter this building during nocturnal surveys completed in June 2013 suggesting that this is an occasionally used, low status roost for a single/small number of bats. To mitigate any impact a range of measures to ensure that bats can continue to roost within the site on an occasional basis will be provided; this will include new bat boxes throughout the scheme.
 - Birds - The over-wintering and breeding bird surveys identified habitat, albeit limited, for a range of common and widespread species typical of farmland and suburban habitats. Habitats providing good resources for breeding bird populations were generally of limited extent and will be largely retained within the proposals. Furthermore, the development of the site, which includes significant areas of open space and gardens. This is likely to provide enhanced habitat for a number of common birds including several that have been identified within the site and no significant impact is anticipated.
 - Amphibians - No ponds within the site were observed to support great crested newt and their presence within the site can be reasonably discounted. The site was observed to support other species including smooth newt and common frog, although all occurred in low numbers. The current site does provide a good opportunity to provide additional terrestrial and aquatic habitat over and above that currently provided within the survey area.
- 6.47 By incorporating the recommendations of the various ecological reports into the development, either through the development framework or by recommended mitigation measures, which are capable of being secured by condition, the proposed development will not result in any adverse ecology impact and therefore fully complies with paragraph 109 of the Framework.

Ground Conditions

- 6.48 The application is supported by a Phase 1 Geo-Environmental Desktop Review which considers whether there is any potential for contamination or geo-technical risks which could impact future occupiers and the wider environment. No potentially significant issues were identified; and once the layout and nature of the buildings are finalised (under a Reserved Matters application) a ground investigation will be required in order to inform the detailed design of the site.

Air Quality

- 6.49 The application is accompanied by an Air Quality Assessment which has been undertaken to assess the construction and operational impacts of the proposed development.
- 6.50 The risk of impacts during earthworks and construction works was considered to be high and medium during track out. The significance of the unmitigated impacts of earthworks and construction works are described as 'Moderate Adverse' and 'Slight Adverse' during track out. Consequently appropriate mitigation measures are proposed which, if adopted and adhered to, will reduce the risk of impacts to negligible levels for all activities. Mitigation measures include the implementation of a Construction Environment Management Plan (CEMP), or equivalent, to ensure impacts remain at acceptable levels.
- 6.51 In regard to the operational phase of the development, the annual mean background pollutant concentrations at the proposal site are predicted to be well below the annual mean objectives for both NO₂ and PM₁₀. The assessment also found that the significance of the NO₂ impacts was considered to be negligible at all receptors; and the significance of the PM₁₀ impacts were also considered to be negligible at all receptors.
- 6.52 The development will not result in any negative effect in air quality, on this basis it is fully in accordance with paragraph 109 of the Framework.

Noise

- 6.53 A noise and vibration assessment has been undertaken by AECOM in order to assess the potential impact of the existing and anticipated future noise climate on the proposed development. Based on the noise levels measured at the proposed development site, it is considered that no exceptionally high performance, unusual, or potentially impractical noise mitigation measures would be required. It is noted that the proposed development will result in a slight increase in traffic along Ashbourne Road; however the impact from the increased traffic on existing and future noise sensitive developments is predicted to be negligible in the long term
- 6.54 The noise impact of the development is therefore negligible, as such the development proposals comply with paragraph 109 of the Framework.

Conserving the Historic Environment (Paragraph 126 to 141)

- 6.55 The application is accompanied by a Heritage Assessment, carried out by CgMs, which has assessed the potential impact on designated and non-designated heritage assets, which concluded that:
- A Scheduled Bronze Age barrow is located on the top of Fox Low to the south of the proposed development site within the land edged blue. Therefore, there will be no direct impact on the Scheduled Ancient Monument. Views of the development will be possible from the barrow although views of the majority of the site will be filtered by a band of trees on the northern side of the barrow. The development will bring the built form of Buxton closer to the barrow than it is at present. However, it will not appear to be a new and incongruous element within the setting as it will be seen as being part of the existing built area of Buxton. The land on which the proposed development will be sited does not provide any contribution to the significance of the monument.

The development will not affect the appreciation of the barrow's location within or its relationship with the wider landscape. Therefore, while there will be a visual change within the setting of the barrow, there will be no effect on the significance of the barrow.

- The site has moderate potential for Bronze Age and medieval lime kiln remains. It is considered to have low potential for all other archaeological periods. The geophysical survey revealed a number of possible undated archaeological features and three possible post-medieval lime kilns. These are considered to be of local significance. Therefore, while of archaeological interest, these remains are not a constraint to development. Further archaeological evaluation will be required in order to better understand and to define the extent of these remains. The scope of the evaluation will be discussed and agreed with Derbyshire County Council. It is anticipated the evaluation programme will comprise a programme of targeted trenching secured by an appropriately worded condition.
- Although the Derbyshire HER records the line of a Roman road running North West –south east toward the eastern side of the site, there is no evidence that supports this. The road is considered to be immediately to the east of the site on the route of Ashbourne Road.
- The proposed development will lie beyond the setting of the scheduled Staden earthworks and the listed tombstone on Buxton cemetery. Therefore, there will be no effect on the significance of these designated heritage assets and the development therefore complies with paragraphs 126 – 141 of the Framework.

6.56 The preceding paragraphs demonstrate that the proposed development complies with all relevant aspects of the Framework. It therefore represents sustainable development, in accordance with the definition provided by the Framework. As required by paragraph 14, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework and unless specific policies in the Framework would restrict development. An assessment of both of these matters follows.

Part 2: Specific Policy Restrictions

6.57 There are no specific policies within the Framework which indicate that development should be limited in this location, as defined by footnote 9 .

Part 3: The Planning Balance

6.58 Outline planning permission is sought for up to 375 dwellings together with public open space, a residential care and/or retirement facility for up to 70 units and a local centre consisting of retail, business and community uses.

6.59 Development is proposed on a site immediately adjoining the settlement boundary of Buxton, one of the main settlements within High Peak Borough. The application is supported by a comprehensive suite of plans and technical documents which fully consider all relevant aspects of the proposed development.

Harm

- 6.60 The relevant development plan policies contained within the HPLP have been assessed having regard to the requirements of the Framework to apportion weight depending on the degree of consistency of policies with it (paragraph 216).
- 6.61 It has been demonstrated that, due to the absence of an adequate housing land supply, the housing policies in the saved HPLP are out of date and limited weight can be placed on them. This conclusion is accepted by an Inspector in a recent decision in High Peak. It is also well established through appeal decisions that in such circumstances any associated policies that would seek to restrain housing growth are contrary to the unequivocal emphasis placed on delivering new housing by the Framework.
- 6.62 Accordingly, HPLP policies that would otherwise seek to prevent development beyond the settlement boundary can only be given limited weight. In the circumstances, whilst there is some conflict with the development plan policies relating to the location of development and the protection of open countryside, the proposals need to be considered in the light of the remaining policies of the HPLP that can be given weight and all other material considerations.

Benefits

- 6.63 The Framework is one such material consideration that carries significant weight in this instance. Paragraph 14 of the Framework sets out a presumption in favour of sustainable development and calls for decision takers to grant planning permission unless the harm of doing so would significantly and demonstrably outweigh the benefits.
- 6.64 In this case, the application proposals comprise sustainable development in accordance with the definition set out in Framework and when tested against all of the relevant sections of the Framework.
- 6.65 Buxton is recognised as a vibrant historic spa town and represents one of the largest and most sustainable settlements in the borough. Buxton is a highly suitable and sustainable location for development and the emerging Local Plan and its evidence base identifies it as a location for housing growth.
- 6.66 The application site has been specifically identified by the Council in the emerging Local Plan as a suitable site for residential led mixed use development to help meet general and affordable housing needs.
- 6.67 Overall, the development is consistent with the policies set out in the NPPF and the presumption in favour of sustainable development is fully applicable. The benefits of the scheme include:
- Creation of a high quality residential led mixed use development which respects the character of Buxton;
 - The introduction of new housing increasing quality and choice including an retirement/extra care facility to meet local needs;
 - Provision of new public open space including the retention of existing trees and hedgerows and ecological enhancements through the provision of additional habitat;
 - Delivery of a new local centre providing new employment opportunities;
 - Affordable housing to meet local identified need;

- Provision of new public open space, including public access to an informal community park at Fox Low;
- Securing an increase in population within Buxton to sustain and support its vitality and viability and that of its businesses, services and facilities;
- A number of socio-economic benefits derived from construction jobs, New Homes Bonus, council tax receipts, increased consumer spending and increased population.

6.68 Having weighed up all material considerations, it is considered that there a range of benefits and factors which heavily weigh in favour of the proposals which outweigh the minor conflict with the development plan in respect of open countryside policy and, as such, justify the granting of planning permission in this instance.

6.69 There are no material considerations or adverse impacts which demonstrably outweigh the benefits which flow from the development and planning permission should, therefore, be granted without delay as instructed by the NPPF.

7 Summary and Conclusions

- 7.1 The site lies on the edge of Buxton and is in an area where the policies of the adopted development plan would normally preclude new housing development. However the relevant housing land supply policies of the HPLP, including those that restrict development to the built-up areas, are out-of-date due to there not being a deliverable 5-year land supply in the Borough.
- 7.2 The National Planning Policy Framework is a material consideration that carries significant weight in this instance. Paragraph 14 of the Framework sets out a presumption in favour of sustainable development and calls for decision takers to grant planning permission unless the harm of doing so would significantly and demonstrably outweigh the benefits.
- 7.3 In this case, the application proposals comprise sustainable development in accordance with the definition set out in the Framework and when tested against all of the relevant sections of the Framework.
- 7.4 Buxton is recognised as a principle service centre for the Peak District and represents one of the larger and more accessible sustainable settlements in the Borough. Spatially, Buxton is a highly suitable and sustainable location for development and is able to accommodate and deliver an appropriate proportion of the Borough's housing needs at a time when the Borough is under-performing against its present and emerging housing targets.
- 7.5 The Council have identified an aspiration to establish Buxton as England's leading Spa Town and consolidate its role as the principle service centre. In particular, the emerging policy identifies that in order to meet the housing needs for Buxton it will be necessary to allocate some sites on land adjacent to the existing urban area. The application site has been identified and highly-scored by the Council in its SHLAA as a suitable site for housing development and it is allocated for residential led mixed use development in the emerging Local Plan.
- 7.6 Overall, the development is consistent with the policies set out in the Framework and the presumption in favour of sustainable development is fully applicable. Having demonstrated that the proposals accord with the key objectives and policies laid down within existing adopted and emerging development plan policies, and having identified the strong accordance with the Framework and the matters of housing delivery and land supply, in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, it is appropriate that planning permission should be granted now based on the significant weight of material considerations that outweigh any departure from the out of date Local Plan.

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