

Supporting Statement

**Application by Lakefield Developments
in Respect of
Land off Combs Lane, Tunstead Milton,
Chapel en le Frith**

Planning and Law Limited

The Old Office
Grange Farm
Grange Road
Singleton
Poulton-le-Fylde
Lancashire
FY6 8LP

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Introduction

1. This Statement is produced in support of a full application for planning permission in respect of the following development:
"The erection of 17 number dwellings comprised of 3 detached houses, 2 semi-detached houses and 12 terraced houses (in 3 blocks of 4 houses each) together with the construction of an access road to Combs Lane"
2. The application is made by Lakefield Developments, owner of the site and of the adjacent land edged blue on the application site plan.
3. The site lies adjacent to other housing development at the junction of Combs Lane and Manchester Road, and near to Tunstead Milton and to the outskirts of Chapel en le Frith.
4. Although the site lies in a semirural location there is an identified housing shortfall across the Borough, and this site benefits from an extant planning permission for 17 units of accommodation. As such, in the balance of planning considerations, there is a strong case for the release of this site for market housing in order to address the housing shortfall. The site should therefore be determined in accordance with paragraph 14 of the NPPF. In this respect the site is relatively sustainable.
5. In terms of its specific form of development, the site would be set against the existing housing of the adjacent hamlet.
6. As such the planning considerations in relation to this relatively sustainable site point to its suitability for release as housing site, and the fact that it benefits from an extant and implementable consent marks it out from other physically comparable sites, making it particularly suitable for release.

The Proposal

7. As noted above the proposal is for 17 residential units.

8. These are made up as follows:
- 3 detached houses
 - 2 semi-detached houses
 - 12 terraced houses
9. In terms of bedroom numbers the mix is as follows:
- 4 x 2 bed units
 - 9 x 3 bed units
 - 4 x 4+ bed units
10. The layout has been designed to sit comfortably against the existing edge of the built development to the north and east. It makes use of the shape of the site, and particularly the depth the site, to accommodate limited development behind (to the north east) of the frontage development.
11. The scale is typical residential. The majority of the development is 2 storey in height but there are some three-storey elements in the centre of terraced blocks which adds visual interest to the design.
12. Landscaping is shown within the submitted plans, and of particular interest is a hedgerow along the south west boundary of the development and extending further south-east to meet the existing hedge/treeline which separates the golf course from land in the ownership of the applicant. This is not only put forward with a landscaping function, but it also has an ecological function in providing a wildlife corridor which links to the existing wildlife corridor of the existing hedge/treeline.
13. It is envisaged that the units will be built in natural stone with slate roofs. Doors and windows will be in new PVC, but with traditional appearance. Unless indicated otherwise boundaries will be close boarded timber fencing. In terms of surfaces hardstanding will be formed by permeable tarmac or block paving as appropriate.

Background

Site and Surroundings

14. The site is some 0.67 ha in extent, and is made up of grassland adjacent to residential properties and a public house. Further grassland in the ownership of the applicants is predominantly to the south and east of the site.
15. The site is effectively on the edge of the small hamlet which lies on its northern boundary, and an area of grassland separates it from a part of Chapel en le Frith Golf Club. Beyond the Golf Club land to the south is Combs Reservoir SSSI. The site lies close to the settlement of Tunstead Milton to the north-west, and Chapel en le Frith to the north-east. The main A6 Manchester Road lies close to the north of the site, and the site is accessed from a private drive leading eastwards to Combs Lane.
16. Tunstead Milton is well served by public transport with regular bus services along the A6. Services are directed to Buxton, Manchester, New Mills, Stockport, Whaley Bridge and Chapel en Frith. Services are well provided for across the working day and beyond. Chapel en le Frith benefits from a railway station that links into the bus services.
17. Within easy and convenient walking distance is the Hanging Gate Public House and the recreational area of Combs Reservoir and its surroundings. Chapel en le Frith provides a range of public services, as does Whaley Bridge. Chapel en Frith can be accessed via a continuous footpath along the A6.

Planning History

18. The planning history of the site is dominated by a background of holiday chalet consents as set out below.
19. Planning consent was originally granted on appeal for a chalet development on land in the vicinity of the application site. A section 106 agreement dated 26 July 1991 prevented the implementation of the planning permission and replaced it with a new outline permission (reference 030011) dated evenly with the section 106 agreement. The agreement also had the effect of preventing the erection of two market dwellings comprised in the development until at least 7 of the units of holiday accommodation and the manager's accommodation had been completed to the satisfaction of the Council.

20. The Outline consent itself imposes a number of conditions, notably visibility requirements (condition 4), and conditions ensuring that access was to be to Combs Lane and not to Manchester Road. Condition 7 of the consent backed up the section 106 agreement in respect of the site manager's accommodation and erection of the 2 open market dwellinghouses.
21. The Reserved Matters consent, reference 0033787 and dated 27 October 1994, had the effect of the imposition of further conditions and notably Condition 4 requires of the holiday accommodation be used solely for holiday residential use and not occupied for any more than a continuous period of 28 days. The second leg of this condition has subsequently been lifted on appeal by an application pursuant to section 73 of the Act (and therefore there is no requirement for submission of a register to the Local Planning Authority).
22. Of greatest significance, however, is a letter from the Local Planning Authority to the previous owner, and dated 08 May 1996. This confirms the following in relation to planning consent reference 033787:
- "With reference to the above planning permission, I confirm that, as the access road into the site has been constructed to base course level, then the development is considered to have commenced. The planning permission will not therefore expire on 26 July 1996 but is regarded as extant."*
23. It is therefore clear that the consent continues to be capable of being constructed without any further consents. This therefore represents a very powerful planning consideration in that the fallback position is that a similar number of units could be constructed, in accordance with the extant consent.
24. Of recent interest in the immediate vicinity of the site is a planning application made in outline for the erection of six detached houses (reference HPK/2015/0351). This is in respect of a site to the North West of the application site. The site fronts onto Manchester Road. This application has been refused, but it is important to note that it differs from the current application site as follows:
- the site was in an area of local green space as identified in the Neighbourhood Plan, but the current application site lies outside of this designation (between the designation and other existing development)

- the site does not benefit from an extant planning permission, for a similar level of development as proposed, as does the current application site

25. There are therefore relevant factors that distinguish the current application site from that site, and the refusal of the site does not therefore set a precedent in respect of the current site.

Planning Policy Background

National

National Planning Policy Framework (NPPF)

26. The first section of the NPPF is entitled "Achieving Sustainable Development".

Paragraph 6 states the following:

"The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system."

27. Paragraph 7 sets out the three dimensions to sustainable development as follows:

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

28. Guidance is given in respect of decision taking in the context of the presumption in favour of sustainable development at paragraph 14:

"For decision-taking this means:

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

29. Part 6 of the Framework is concerned with "Delivering a Wide Choice of High Quality Homes", and, amongst of the things, paragraph 47 sets the following requirement, to:

"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"

30. Crucially the Framework requires the following at paragraph 49:

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

National Planning Practice Guidance

31. This advice, dated 06 March 2014, will be referred to if, and as, necessary below.

Local Policy

Development Plan

32. **Current** - The site lies within the boundaries of the High Peak Local Plan (Adopted March 2005). Some relevant policies from this plan have been saved. In this local plan the site is shown as in open countryside.
33. **Emerging** - A new local plan has been submitted, and examination hearings took place in January and February 2015. The Inspector's findings have yet to be released, but it should be noted that the plan was the subject of objection, particularly with regard to housing issues.
34. **Chapel en le Frith Neighbourhood Plan** - The Parish Council have prepared a neighbourhood plan which was submitted for examination in January 2015 and which was adopted following a referendum which took place in July 2015. In the plan the current application site and its immediate surroundings are excluded from the Local Green Space designation, and effectively form "white land" along with land to the North and East.
35. **Specific Policy Considerations - Five-Year Housing Land Supply** - The Council has determined a number of planning applications for significant residential development over the course of the last few months, and has consistently acknowledged a shortfall in housing land availability, with available land at 3.8 year's supply.
36. On that basis the provisions of paragraph 49, dealt with above, come into play in respect of this application.

Planning Analysis

Principle of Development

37. More detailed matters of relevance to this application are dealt with below, but of course the principle of development is of fundamental importance.
38. As set out elsewhere the Local Planning Authority find themselves in a position where they have only 3.8 years supply of housing land as opposed to the

requirement for 5 years supply plus additional buffers. The policy background to this is set out above, but the simple implication is that there is pressure for sites to come forward the development which are not allocated and which may not otherwise be considered suitable for development.

39. It is known that a number of sites which may also fall into this category have been considered by the Local Planning Authority over recent months. This application site differs from most of these by virtue of its planning history: it is the subject of an extant planning permission for 17 units of accommodation, albeit that this accommodation is the subject of conditions which would limit the occupation of the majority, but not all, of the units.

40. However, the fact of fundamental importance is that this planning consent can be implemented at any stage without any further consents being necessary. On that basis it is submitted that the balance of material factors tips in favour of this site as a housing site that could be released without significant damage to other planning considerations, but which would make a modest but significant contribution to the shortfall in housing sites, and the housing land supply overall.

41. The issue of sustainability is dealt with below

Specific Considerations

42. **Location of Development – Sustainable Development** – It is self-evident that the application site does not lie in one of the areas of highest sustainability. Nevertheless it is a principle of planning in relation to sustainability that proposals lie in a continuum of sustainability to which many factors contribute.

43. The Taylor review in July 2008 made it clear that a narrow "tick box view" of sustainability is too simplistic, and in particular paragraph 78 states:

"So many small rural settlements without certain services are written off as inherently "unsustainable", in which case no new housing or economic development may be allowed at all. There is a widespread assumption that because small rural communities may have little or no services, shops or public transport of their own they are fundamentally unsustainable and therefore not suitable for development on the grounds of an implied greater need to commute and travel by car to access services and employment..."

Increasingly decision-making in rural areas is determined solely by reference to limiting car-based travel"

44. Paragraph 80 continues:

"This narrow view of sustainability is far too simplistic- and wrong. Indeed, it starts from the wrong premise, because it asks the wrong question. If people in all areas can't live near where they work as it is unaffordable, or can't work near where they live because employment is increasingly directed to towns, restricting development has the effect of making communities even less sustainable environmentally, let alone socially and economically sustainable. Since we are not going to bulldoze our villages and start again, and people are going to continue to live in them, the key emphasis of the planning system (at all levels) needs to move away from asking "is this settlement sustainable" to "will this development and enhance or decrease the sustainability of this community - balancing social, economic and environmental concerns"

45. The reality in the case of the application site is that it is relatively well located because it is relatively close to Chapel en le Frith and Whaley Bridge, with good transport links, but it will help sustain existing development in the Tunstead Milton area. In many senses it will help enhance the sustainability of the local community with the balance of social, economic and environmental concerns referred to above.

46. **Design and Layout** - The design and layout are dealt with in the Design and Access Statement separately supplied. However, a variety of different sizes of house are proposed in terms of bedrooms, and a mix of housing types of proposed, as set out above. The development is located against other development which abuts it to the north, and sits well with this development. The depth of the site is taken advantage of by putting one block of development "in behind" the frontage development facing south.

47. Access to the site is as for the extant consent which includes a condition requiring access to be taken off Combs Lane. Within the site it is anticipated that the access drive would be privately maintained, unless otherwise agreed subsequently.

48. As part of the ecological report, explained further below, the southern and western boundary of the site, facing towards Combs Reservoir, will be reinforced by a substantial hedge which has not only a landscaping function, improving views from the south, but also an ecological function in forming a wildlife corridor linking to the existing landscape corridor marking the boundary between the applicant land ownership and the golf course.

Aspects of the Development

49. **Highways** - As noted above, access is to be gained from Combs Lane to the east, as is the case with the extant consent. The existence of the extant consent also means that the net increase in vehicle movements will be essentially nil as the extant consent was for 17 units overall, as is the application proposal. In response to a pre-application query it was finally confirmed that there would be no need for a highway statement to accompany the application.
50. **Flooding** -The nearest flood zone is Zone 3 in the vicinity of Combs Reservoir, but the application site lies outside of this and is hence not affected by any flood designation. There is therefore no requirement for any information regarding flooding as part of this application, and flooding is not a constraint to the application.
51. **Trees** - Although an arboricultural statement was initially requested to be part of this application, it has been accepted that this is not necessary as there are no trees within the actual application site itself, although there are sporadic trees within the wider land ownership. These other trees are however not affected by the application, and it is not believed that any other trees are affected. There has therefore, in the final event, been no requirement for an arboricultural statement.
52. **Ecology**- The only major report in support of the application, requested by the Local Planning Authority, is an ecological study of the area. This is provided with the application as an "Extended Phase 1 Habitat Survey - September 2015" produced by SDC Consultant Ecologists.
53. The survey starts with the identification of the Combs Reservoir SSSI which lies to the south west of the site. There are four local wildlife sites within 1.5 km of the proposed development site. In terms of conservation value, however, the survey does not identify any protected plant species within the proposed development area.

54. There was considered to be some potential to support a list of species given at the bottom of page 9 of the report (including bats). With regard to birds the report identifies the necessity for any works with the potential to disturb nesting birds to be carried out outside the nesting season of March to August inclusive.
55. With regard to great crested newts the report, on page 18, indicates that there are no ponds located in the proposed development site itself and ponds shown to the North of the Manchester Road are unlikely to be relevant because of the barrier of this road.
56. Section 6.0 of the report gives the "Recommendations". Importantly it is concluded that the proposed development footprint itself represents a relatively small area when taken in context with the surrounding agricultural landscape and that therefore no "significant major ecological impact" would result from the loss of grassland habitat.
57. A bat survey has been undertaken as part of the study and this led to the conclusion that that activity is mainly associated with the more wooded boundary areas, but that consideration should be given to minimising light spill from the proposed new development. A number of other recommendations are made in respect of other species, but all of these, and those already mentioned, are capable of control by condition, and do not amount to in principle objections to the development of the site.
58. Appendix 5 of the study deals with mitigation/compensation proposals. The main proposal for mitigation links neatly into landscaping proposals for the development of the site, and involves the planting of a hedgerow along the South West boundary of the development area, but extending beyond it along the access road to the south-east to join an existing line of trees and hedgerow which separates the applicant's land ownership from the golf course ownership. This would provide a link between the mature gardens to the north west of the proposed development site and the wider countryside. The hedgerow corridor together with the gardens in new housing, should also serve as something of a buffer for wildlife between the countryside to the south-west and the main Manchester Road.

59. The location of the hedgerow is shown in the "Hedgerow Location Drawing" at Appendix 5.
60. Other mitigation includes replacement of any trees that would be lost as a result of the development (it is not actually anticipated that any will be lost). In addition bat boxes can be provided if required.
61. Again, mitigation is capable of being provided pursuant to an appropriate planning condition.
62. Overall the issue of ecology is not a barrier to the development of this application site.
63. **Other Matters - Financial Contributions** - It is accepted that there is a requirement for affordable housing provision to be made in association with the application, but it is not intended that this provision be made on site. The application therefore needs to be the subject of a commuted sum payment which would be negotiated with the Council post application.
64. Other financial contributions in respect of infrastructure may be requested as a result of consultation on the application, and the applicant will deal with these post application.

Conclusions

65. On the basis of the above it is concluded that there is a strong case for planning permission to be granted in respect of this site as proposed by this application. Whereas it is not an allocated site, or within or on the edge of an urban area, it is the subject of a previous and extant consent that could be implemented for 17 units of accommodation without any further consents being necessary.
66. It is in essence the planning history of this site and the extant consent in particular, that marks this site out as a suitable site for release against the background that the Local Planning Authority cannot show a five-year supply of housing land (3.8 years being the seemingly settled figure at present).

67. On that basis the applicant respectfully request the planning consent be granted for the proposal subject to a legal agreement dealing with matters of financial contributions as necessary, and as clarified by consultation on the application.