

Planning Statement

Land off Macclesfield Old Road, Buxton

Proposed Residential Development

Persimmon Homes (North West)

October 2015



Ref: MOR/PS/NM/10.15

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1 Introduction

- 1.1 This Planning Statement accompanies a full planning application for 15 dwellings submitted on behalf of Persimmon Homes. The Statement considers the site, its surroundings and the previous planning history of relevance. The application follows a previously refused application for 31 dwellings under reference HPK/2014/0438. This Statement will describe how the revised proposals have addressed the previous reasons for refusal. It goes on to summarise the planning policies which are material to the application, together with other guidance and evidence which have been taken into account. The analysis addresses all of the issues which we consider to be relevant to the determination of the planning application. It concludes that planning permission should be granted, having regard to the development plan and other material considerations.
- 1.2 This Statement should be considered alongside the Design and Access Statement, amongst all other supporting documents, which sets out how the proposals have evolved.
- 1.3 A list of submitted plans and documents are contained within an accompanying covering letter.

2 Site Location and Description

- 2.1 The Site is located to the south west of Buxton and Burbage and adjoins the existing built form of these settlements. The Site measures approximately 1.28 hectares in size and is currently occupied by a detached residential building with a number of smaller outbuildings predominantly located towards the western site boundary. The external areas of the site are dominated by gardens associated with the residential dwelling and overgrown areas of scrub and vegetation. There is also an area of hard standing adjacent to the house for vehicle parking.
- 2.2 The site boundaries are currently defined as being garden fences, dry stone walls, hedgerows, semi mature trees and mature trees. The site is also occupied by building rubble and derelict outbuildings. There are a large amount of mature trees located on site, particularly along the existing entrance drive into the site. The trees on site have been subject to a tree survey and are under protection provided by a TPO.
- 2.3 Topography on site is generally uneven and slopes away towards the south of the site. The surrounding area is predominantly residential to the east and open countryside within the remaining vicinity of the site.
- 2.4 Directly to the north the site is bounded by Macclesfield Old Road and further north is an area of open countryside, with the edges of the Peak District National Park a short distance to the west. Also, located slightly north east is Goslin Bar Farm. To the east of the site are areas of residential development, predominantly 2 storey detached and semi-detached properties. This area of residential development stretches the full length of Macclesfield Old Road, towards the east into the centre of Burbage. To the south of the development site is a large open space with views across the valley towards the south east.
- 2.5 Generally, the Site is well contained visually, with close range views possible from Macclesfield Old Road and the public footpath to the south of the site. There are no public rights of way within the site and the adjacent properties will have views screened by the mature woodland blocks that are prominent visual features within the site. Views out of the site are limited to the southern and western boundaries looking across adjacent fields. Views to the northeast are screened by dense woodland.

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- 2.6 The site is ideally located for generating sustainable travel being within 150m of an existing bus routes with one hourly bus service to both Buxton and Macclesfield. The nearest bus stop is located on Level Lane. The proposed development will connect into existing pedestrian infrastructure via a footway located to the east of the access junction on the southern side of the carriageway which continues along Macclesfield Old Road to the junction with Level Lane.
- 2.7 In terms of the road network the site sits off Macclesfield Old Road, with easy access to the A53 Leek Road, which leads to Burbage, Buxton and Leek. The site is also within close proximity of the A54 which leads to Congleton and the M6 South and the A537 which leads to Macclesfield, Manchester and the M6 North.
- 2.8 This level of access and accessibility to the wider settlement and surrounding communication network makes the proposed development site a sustainable development site. The application site offers potential to provide some ecological value, however the site is considered to be in general un-kept or maintained and therefore lacks visual amenity, ecology and biodiversity value. There are opportunities through the development proposals to provide and enhance ecology and biodiversity within the site, whilst retaining existing features such as the trees and hedgerows within the site and around the parameters.
- 2.9 The group of existing trees along the sites access point from Macclesfield Old Road vary in quality and ecological value and will provide significant visual value to the entrance of a proposed development. As such they are retained as part of the development proposals. The redevelopment of this site also provides the opportunity to improve the existing unsightly appearance of the site.

3 Planning History

3.1 The following previous planning applications are relevant to the determination of this application:

HPK/2013/0299 - Proposed Demolition of Existing Dwelling and Outbuildings and Erection of 32 Dwellings, Access and Associated Works – Withdrawn 2nd August 2013.

HPK/2014/0438 - Proposed residential development comprising 31 dwellings, access, landscaping and associated works (demolition of existing buildings) – Refused 30th June 2015.

The 2014 application was refused on landscaping and tree impact grounds and the following 2 reasons for refusal were provided:

"The application site occupies a prominent position within the landscape on the edge of the built up area boundary of Buxton, close to the boundary with the Peak District National Park. The proposals would result in a loss of open countryside leading to development which would be a prominent encroachment beyond the well-defined physical settlement boundary that is provided in this part of Buxton. As such, it would result in severe and irreversible damage to the intrinsic character and beauty of the countryside adjacent to the Peak District National Park. Such harmful effects would be contrary to Policies GD4, OC1 and OC4 of the High Peak Saved Local Plan, Policies S1, S2, EQ2, EQ3, EQ5 and H1 of the Emerging High Peak Local Plan and paragraph 17 of the National Planning Policy Framework."

"The proposed development would result in increased use of the existing access and driveway which runs through a group of mature trees protected by a Tree Preservation Order, many of which are sited in close proximity to the driveway. The increased use of the access and driveway by 27 new dwellings would be likely to exert excessive pressure on the root systems of the trees thereby causing serious risk to the future health and retention of the trees. The proposals would be likely lead to the loss of a number of preserved trees to the detriment of local visual amenity. The proposed development would be contrary to the provisions of policies GD4, GD6 and OC10 of the High Peak Saved Local Plan and EQ2, EQ5, and EQ8 of the emerging High Peak Local Plan."

4 Proposed Development

- 4.1 This section provides additional information about the development proposals. It should be read in conjunction with the Design and Access Statement, which describes the physical characteristics of the development in more detail.
- 4.2 The application seeks full planning approval for residential development comprising 15 dwellings, access, landscaping and associated works. The demolition of the existing buildings would also be covered by the proposals.
- 4.3 The proposals represent a low density scheme at 12 units per hectare, which is appropriate for the edge of settlement location. This is substantially less dense than the previous application which proposed 31 dwellings. Areas of open space are retained adjacent to the existing access and along the south of the site. This buffer to the south helps soften the transition between built form and open countryside. The landscape strategy will focus new planting along the west to create filter views as well as within the site to provide a new attractive green living environment.
- 4.4 Vehicular access would be taken off Macclesfield Old Road, which would now avoid the group of TPO trees adjacent to the existing site access. This is material change from the previous application as it removes any potential pressure on the existing trees and allows the majority to be retained. The existing access path would be kept and used as a pedestrian and cycle link to Macclesfield Old Road.
- 4.5 The layout would be made up of 2, 3 and 4 bed dwellings and would mix between detached and semi detached, 2 storey and 2.5 storey. Housetypes have been chosen to respect the local vernacular as explained in the Design and Access Statement. Many of the housetypes have been re-elevated to include bay windows, chimneys, stone heads, cills and sash windows. All the housetypes will be finished in stone like materials. Proposed boundary treatments will include dry stone walls, stone piers with curved fence above and railings which are all appropriate to the Buxton area.
- 4.6 At least 30% of the units would be affordable and these are located in 2 blocks towards the east of the site.

Section 106 Heads of Terms

- 4.7 Persimmon will negotiate a Section 106 Agreement with the Council, dependent on the contributions meeting the legal tests established in the Community Infrastructure Levy Regulations. The Heads of Terms, which accompany this submission include:
- Affordable Housing: 30% of the plots will be affordable. The exact number of and mix of units will be matters for subsequent agreement.
 - Education: The applicant will make a contribution towards Buxton Community School (to be agreed).
 - Off-site play provision: The applicant will make a contribution towards Green Lane playing facility (to be agreed).
 - On site POS: The applicant will submit a Management and Maintenance Plan for the Open Space to be approved by the Council. The Open Space will be managed and maintained by a private management company.
- 4.8 In addition the applicant will bring the site frontage stretch of Macclesfield Old Road up to a suitable standard to serve the level of development in highways terms.
- 4.9 In the event that the Council seeks alternative financial contributions, the overall package will be subject to negotiation during the application determination period.

5 Planning Policy, Guidance and Other Evidence

5.1 This section of the report sets out the planning policy in which the application will be determined.

National Planning Policy

[National Planning Policy Framework \(2012\)](#)

5.2 The Framework introduces a presumption in favour of sustainable development. Where development plan policies are out of date, and specific policies in the Framework do not restrict development, this means 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” (para. 14).

5.3 The Framework specifies how there are three dimensions to sustainable development. Economic, social and environmental gains should be **“sought jointly and simultaneously through the planning system”** (para. 8). Relevant examples from paragraph 9 include:

- Making it easier for jobs to be created in cities, towns and villages;
- Improving the conditions in which people live, work, travel and take leisure;
- Widening the choice of high quality homes.

5.4 Paragraph 17 lists 12 core principles which are intended to underpin both plan making and decision taking. One of these is to **“Encourage the effective use of land by reusing land that has been previously developed (brownfield land).”**

5.5 Section 6 aims to deliver a wide choice of high quality homes and set out ways in which local planning authorities should **“boost significantly the supply of housing”**. Points which we consider to be of particular relevance to this application are as follows:

- Local planning authorities should **“use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework.”** (para. 47)
- They should **“identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing**

requirements...Where there has been a record of persistent under delivery of housing, local planning authorities should [include a buffer of] 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.” (para. 47)

- It advises that **“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.”** (para. 49)
- Local planning authorities **“should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community.”** (para. 50)
- Local planning authorities should **“identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.”** (para. 50)

5.6 With reference to the decision making process, **“Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.”** (para. 187).

Local Planning Policy

[High Peak Borough Local Plan \(Saved Policies\) 2008](#)

5.7 The site falls outside the Built-Up Area boundary of Buxton and as such falls within the Countryside designation. **Policy OC1** states that within the Countryside, planning permission will be granted for development which is an integral part of the rural economy and which can only be carried out in the Countryside provided that individually or cumulatively:

- the development will not detract from an area where the open character of the countryside is particularly vulnerable because of its prominence or the existence of a narrow gap between settlements; and

- the development will not generate significant numbers of people or traffic to the detriment of residential amenity, highway safety, landscape or air quality or otherwise have an unacceptable urbanising influence; and
- the development will not have a significant adverse impact on the character and distinctiveness of the countryside.

5.8 **Policy OC4** deals with Landscape, Character and Design. This states that Planning Permission will be granted for development considered appropriate in the Countryside provided that its design is appropriate to the character of the landscape. Amongst other things, this policy states that the design of development shall accord with the characteristics of the type of landscape and shall seek to **conserve the pattern and composition of trees and woodland.**

5.9 As the site lies within 400m of the Peak District Moors (South Pennine Moors phase 1) SPA and the South Pennine Moors SAC **Policy OC8** is of relevance which deals with Sites of Importance for Nature Conservation. An Assessment of Likely Significant Effects by TEP accompanies the application which deals with the impacts on these areas.

5.10 **Policy OC10** deals with Trees and Woodland and states that planning permission will be granted for development, provided that:

- it will not result in the loss of, or materially injure the health of, a woodland (in whole or in part) or other significant individual, group or area of trees, unless required in the interests of safety, good tree management or a wider scheme of conservation and enhancement; or
- exceptionally, where loss or injury is accepted, adequate replacement planting, in terms of numbers, species, planting density and location, will be provided as part of the development.

5.11 **Policy GD4** relates to Character, Form and Design and states that planning permission will be granted for development, provided that:

- Its scale, siting, 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 there will not be undue detrimental effect on the visual qualities of the locality or the wider landscape.

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- 5.12 **Policy GD5** deals with amenity and states that planning permission will be granted for development provided that it will not create unacceptable loss of, nor suffer from unacceptable levels of, privacy or general amenity, particularly as a result of:
- overlooking;
 - loss of daylight and sunlight;
 - overbearing effects of development;
 - air, water, noise, light and other pollution;
 - risk from hazardous substances and processes;
 - traffic safety and generation.
- 5.13 **Policy GD6** relates to Landscaping and states that planning permission will be granted for development provided that:
- where appropriate, it will contain a high standard of hard and/or soft landscape treatment in keeping with the character of the area, including the integration of existing features and the use of native species suitable to the location.
- 5.14 **Policy GD7** deals with Crime Prevention and states that planning permission will be granted for development, provided that its design, layout and landscaping will help create a safe and secure environment and minimise the opportunities for crime to be committed.
- 5.15 **Policy BC1** deals with Facing Materials and states that Planning Permission will be granted for development, provided that: the type, colour and specification of all external materials and the way they are applied will be sympathetic to the character and appearance of the immediate surroundings and the wider area.
- 5.16 In particular, natural facing materials will be required in locations conspicuous from public viewpoints within:
- areas conspicuous from the peak district national park and in conservation areas and their settings
 - other areas where natural materials predominate.
- 5.17 **Policy BC10** relates to Archaeological and other Heritage Features and states that Planning Permission will be granted for development, provided that:
- there will not be a significant adverse effect upon other known archaeological or heritage features, including Buxton's area of archaeological interest as defined on the proposals map.
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- 5.18 **Policy H1** relates to the Principles of Housing Provision and gives priority to the redevelopment of previously developed land in built up areas. It also states that housing on Greenfield land should be restricted.
- 5.19 **Policy H9** relates to Affordable Housing for Local Needs and states that The Council will negotiate with developers to ensure the provision of a proportion of affordable housing for local needs in new residential development schemes, including windfall sites. In relation to Buxton the affordable housing is to be provided on sites of 0.5ha or more developments of 15 units or more. The preamble to Policy H9 recommends that at least 30% of units on such sites throughout the Borough be provided as affordable homes.
- 5.20 **Policy H11** relates to Layout and Design of Residential Development and states that planning permission will be granted for residential development provided that it will incorporate good design that reflects its setting and local distinctiveness; and make efficient use of available land; and promote safe and accessible living environments which include a mix of housing types and sizes.
- 5.21 **Policy TR1** deals with Transport Implications of New Developments and states Planning Permission will be granted for new development provided that it seeks to:
- reduce the need to travel;
 - widen transport choice for people and goods;
 - integrate transport and land use.
- 5.22 **Policy TR4** deals with Traffic Management and states that Planning Permission will be granted for development, provided that:
- the capacity and design of the transport network serving the site will reasonably accommodate the anticipated increase in travel without materially harming highway safety or local amenity; and
 - the traffic generated by the development will not unduly interrupt the safe and free flow of traffic on trunk or primary roads or materially affect existing conditions to an unacceptable extent
- 5.23 **Policy TR5** deals with Access, Parking and Design. It states that planning permission will be granted for development, provided that:
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- it will make safe and appropriate provision for access and egress by pedestrians, cyclists, public transport users and the private car.
- it includes a high standard of design and layout having regard to the parking, access, manoeuvring, servicing and highway guidelines.

High Peak Local Plan (Submission Version) 2014

5.24 The Draft Local Plan was published for consultation in April 2014 and was submitted to the Secretary of State in August 2014. Persimmon have submitted representations concerning the application site which demonstrate that the site constitutes a deliverable opportunity to meet the housing needs in the short term. It is asserted by Persimmon (and other participants in the Local Plan Examination) that the likely housing requirement of the new plan will require the allocation of land outside current Built-Up area boundaries.

5.25 **Policy S1** deals with Sustainable development principles and states that all new development should make a positive contribution towards the sustainability of communities and to protecting, and where possible enhancing, the environment; and mitigating the process of climate change, within the Plan Area. The policy sets out a number of ways this can be achieved. Of relevance to this application are as follows:

- Meeting most development needs within or adjacent to existing communities;
- Making effective use of land (including the remediation of contaminated land and reuse of brownfield land), buildings and existing infrastructure;
- Making efficient use of land by ensuring that the density of proposals is appropriate (and informed by the surrounding built environment);
- Taking account of the distinct Peak District character, townscape, roles and setting of different areas and settlements in the High Peak;
- Protecting and enhancing the natural and historic environment of the High Peak and its surrounding areas;
- Providing for a mix of types and tenures of quality homes to meet the needs and aspirations of existing and future residents in sustainable locations;
- Minimising the need to travel by promoting development in locations
- where there is access to a broad range of jobs, services and facilities which are accessible by foot, cycle or public transport with minimal reliance on the private car;
- Minimising the risk of damage to areas of importance for nature conservation and/or landscape value, both directly and indirectly and ensuring that there is suitable mitigation for a net gain in biodiversity and the creation of ecological networks;

- Requiring that all new development addresses flood risk mitigation/adaptation, ensuring for example that sustainable drainage systems are considered at the outset within proposals (and to comply with legislative requirements);
- Seeking to secure high quality, locally distinctive design in all development and a high standard of amenity for all existing and future occupants of land and buildings, ensuring communities have a healthy, safe and attractive living and working environment and the risks from potential hazards are minimised;
- Maintaining and where possible enhancing accessibility to a good range of services and facilities, and ensuring existing infrastructure and services have the capacity to support development when required.

5.26 **Policy S1a** relates to a Presumption in Favour of Sustainable Development and derives from para. 14 of the Framework. It states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. This policy repeats from the Framework that if relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise.

5.27 **Policy S2** defines Buxton as a Market Town and is top of the hierarchy where development is to be directed.

5.28 **Policy S3** deals with Housing Land Supply and Distribution. This states that provision will be made for at least 7000 dwellings over the period 2011-2031 at an overall average annual development rate of 350 dwellings. It should be noted that Persimmon and others assert that this figure should be significantly higher.

5.29 **Policy S7** relates to the Buxton Sub-area Strategy. This seeks to establish Buxton as England's leading spa town and consolidate its role as the principal service centre for the Peak District. This will be achieved by (amongst others) providing for the housing needs of the community by planning for sustainable housing and mixed-use developments by:

- Allocating a range of suitable, deliverable housing sites sufficient to meet the requirements of the Buxton sub-area, including the delivery of appropriate levels of affordable housing;

- Supporting the development of new housing on sustainable sites within the built up area boundary primarily in Buxton;
- Ensuring that residential development avoids adverse impact on the integrity of the Peak District Moors (South Pennine Moors Phase 1) Special Protection Area.

5.30 **Policies EQ2** and **EQ5** sets the design and place making standards for the borough and require development to contribute positively to an area's character, history and identity in terms of scale, height, density, layout, appearance and materials. They also highlight the importance of protecting the landscape character of an area.

5.31 **Policies EQ4** and **EQ8** seeks to protect and enhance biodiversity, trees, woodland and hedgerows in the borough and requires new developments to mitigate against adverse impacts.

5.32 **Policy CF4** details that the Council will seek for financial contributions towards the delivery, improvement and management of off-site provision of open space. Furthermore, Policy CF7 states that subject to viability, developments will be required to provide, or met the reasonable costs of providing on-site and off-site infrastructure, facilities and/or mitigation through the use of planning obligations and/or conditions.

5.33 **Policy CF6** requires all new development to be located where the highway network can satisfactorily accommodate traffic generated by the development and promotes the use of public transport where feasible.

5.34 **Policies H4** and **H5** detail the need for new residential developments to provide an appropriate range market and affordable housing. For developments consisting of more than 25 units, the Council will seek 30% as affordable housing and for smaller sites of 5 – 24 units, the Council will seek a 20% contribution.

Supplementary Planning Guidance

Landscape Character Supplementary Planning Document 2006

5.35 This SPD advises that new development should seek to enhance the landscape, local character and the natural ecosystem. It should be sympathetic to the existing land form, settlement pattern and individual buildings. It should seek to retain the existing

ecosystem by returning surface water to the soil, retaining hedges and trees, recycling wastes and avoiding pollutants.

Housing Need in the High Peak Supplementary Planning Document (2006)

5.36 The 2006 Housing Needs Survey identified a shortfall of 317 affordable housing units per annum over the next five years in the High Peak Borough (and notwithstanding this there are also recognised shortfalls in the provision of affordable housing across the Borough with the Council's AMR 2010-11 stating that a total of 268 affordable homes have been delivered within the Borough (including Peak Park) in the past 7 years: during which time the annual need varied between 443 and 591). Priority will be given to securing affordable housing according to the following order of preference:

1. On site provision of housing to rent
2. On site provision of intermediate housing combined with housing to rent
3. On site provision of intermediate housing
4. Contribution (financial and/or in kind) to the provision of housing to rent on an alternative site in the locality.
5. Contribution (financial and/or in kind) to the provision of intermediate housing combined with housing to rent on an alternative site in the locality.
6. Contribution to the purchase of existing market housing and its conversion to housing for rent.

Residential Design Guide Supplementary Planning Document (2005)

5.37 This SPD highlights the importance of understanding the setting, i.e. the landscape of the High Peak, its natural features and geology and therefore the materials and craftsmanship that is available from this landscape. It notes the importance of locally sourced, traditional materials. It states that local materials are not only appropriate in terms of colour, texture and scale but are important for the continuation and development of local crafts in High Peak.

Planning Obligations Supplementary Planning Document (2005)

5.38 New development, both commercial and residential, may place increased demands on existing services in the Borough in terms of, for example, social, educational, community, sport, recreation and leisure facilities and public transport provision. The Council will wish

to ensure that private developers, where appropriate, make a contribution to meeting these community requirements. Planning obligations are secured through a S106 agreement.

Other Evidence

Strategic Housing Land Availability Assessment

- 5.39 The aim of a SHLAA is to identify a supply of land and buildings with the potential to deliver residential development in accordance with the requirements of NPPF. The proposed development site, is identified for housing within the most recent SHLAA, 2014 (ref. AS007) as able to accommodate 23 dwellings.
- 5.40 Persimmon consider the site to be a demonstrably deliverable opportunity, based on the following considerations:
- The site is available, being under the option of Persimmon and free from legal or ownership constraints;
 - The site is achievable and will viably accommodate new homes;
 - The site is considered to be suitable for development, assuming appropriate mitigation for sensitive matters such as landscape impact are factored into a considered design.

In combination, the above three factors illustrate the site is deliverable.

6 Analysis

Principle of Development

- 6.1 The proposed development would see the redevelopment of a part brownfield site, on the edge of Buxton. According to the current High Peak Borough Local Plan Proposals Map, the site falls outside the defined Built-Up Area Boundary and is therefore subject to 'Countryside' policy. Policy OC1 sets out the limited types of development which are appropriate in the Countryside i.e. those which form an integral part of the rural economy. Policy H1 allows the redevelopment of previously developed sites in built up areas but restricts housing on Greenfield land. As the proposals are for housing development outside but on the edge of the defined Built-Up area boundary, it is therefore accepted that the proposals represent a departure from the adopted Local Plan.
- 6.2 However, the Framework makes it clear that relevant housing supply policies should be considered out of date where a Local Authority cannot demonstrate a 5 year supply of deliverable housing sites. At the present time the Council cannot demonstrate a 5 year supply of housing land, the actual figure being 3.8 years (including the 20% buffer) as of March 2015. In this regard Policy H1 and OC1 of the adopted Local Plan are out of date as a policy of housing restraint on Greenfield sites and sites that are outside the Built-Up area boundaries.
- 6.3 The High Peak Local Plan (Submission Version) 2014 makes provision at Policy S3 for the distribution of its housing land supply to meet its 5 year land supply (and 20% buffer) over the Plan Period to 2031. To meet this need it allocates at Policy H3 a number of sites for housing development to bring forward sustainable development. Whilst Buxton is recognised as one of the key settlements where housing is to be directed, the application site (B16) was not one of the sites brought forward for within the Plan Period in the draft emerging Plan. However, as discussed below, many of the reasons as to why the site was not brought forward as a 'Preferred Option' for housing have now fallen away and are no longer an issue i.e. public transport, flood risk, impacts on Burbage Primary School, landscaping and trees. Furthermore, many of the preferred sites are demonstrably constrained and problematic. Persimmon are submitting representations separately to the Inspector on these matters through the consultation process of the Local Plan.

Notwithstanding this, the emerging Local Plan can only be given limited weight at this time and until such a time as when the Plan has been approved and adopted the presumption in favour of sustainable development as set out in paragraphs 14 and 49 of the Framework prevail given the housing land supply shortfall.

- 6.4 The Framework does not contain specific policies that would preclude housing development on the edge of settlements and therefore the analysis of the proposals should be based on a presumption in favour of sustainable development unless the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole (para. 14)
- 6.5 Recent appeal decisions have shown that the Planning Inspectorate and the Secretary of State have placed substantial weight on housing land supply. For example two appeal decisions in June 2014 for sites in Glossop i.e. Land off North Road (APP/H1033/A/13/2205644) and Land at Dinting Road and Shaw Lane (APP/H1033/A/13/2204114) have allowed housing developments in the Countryside. In both cases, the Inspector gave substantial weight to the contribution of meeting the considerable shortfall in housing land supply. Even in cases where there has been identifiable harm arising from the proposals, such as the impact on the landscape, this harm has been outweighed by the benefits of delivering new housing. Therefore unless there is identifiable harm arising from this proposal which would outweigh the benefits of delivering housing then the Framework is clear that the presumption in favour should be applied and planning permission should be granted.

Sustainable Development

- 6.6 Buxton is identified as a key settlement in the emerging Local Plan and is considered to be a primary focus for new development due to its high sustainability credentials. The site is a part brownfield site situated on the edge of the built-up area of Buxton. There is a bus stop on Level Lane, approximately 150m away from the site, which serves Buxton and Macclesfield. There is also a church, a public house, a newsagents and a primary school within close proximity to the site. Buxton Town Centre is roughly 2.5km from the site which has further amenities including supermarkets, a post office, a train station, a doctor surgery etc.

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- 6.7 The Framework sets out how there are three aspects of sustainability: economic, social and environmental. It states that these must be sought jointly and simultaneously through the planning system.
- 6.8 The delivery of housing is a contributor to **economic** growth. The Government's 'Laying the Foundations' strategy states that every new home built translates into two new jobs being created for a year; equating to 30 new jobs. To this must be added the total investment value from construction, from direct and indirect employment, from the spending power of future residents. This must be added to the capital receipts to the Council under the New Homes Bonus and Council Tax. Based on 15 dwellings we estimate this to be £94k (over 6 years) for New Homes Bonus and £15k on Council Tax.
- 6.9 In terms of **social** benefits, the site would make an important contribution to addressing the significant shortfall in housing land supply which currently exists within the borough. It would assist in meeting housing needs and help to provide choice within the Buxton area. Moreover, the scheme would deliver 30% of the dwellings as affordable units. Given the need for affordable housing in the borough, this is an important benefit of the proposals.
- 6.10 No significant **environmental** adverse effects have been identified. The revised scheme ensures the majority of the existing TPO trees are all to be retained and a landscape buffer is proposed that would mitigate any landscape visual impacts from surrounding view points. Significant additional native planting will be made throughout the development and within the open space areas to further enhance the biodiversity offer and create wildlife corridors. Bat and Bird boxes will be incorporated into the scheme within the hedgerows and tree and within the properties. The proposals would see the removal of a number of unsightly buildings and replaced with high quality appearance dwellings, improving the visual amenities of the site. As described above, there are a number of shops and services in the locality within walking distance of the site. This proximity to facilities reduces the need to use the private car and encourages pedestrian activity. Walkability to these destinations is generally good.
- 6.11 The quality and environmental credentials of the development will be ensured through compliance with Building Regulations standards, following revocation of the Code for Sustainable Homes. This will also involve the incorporation of appropriate decentralised, renewable or low carbon energy technologies to reduce predicted regulated and unregulated CO2 emissions by at least 10%; managed surface water run-off (on
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greenfield sites the rate of run-off should be no worse than the original conditions before development); and exploring opportunities for connection to existing or new district heating networks.

6.12 For the reasons established above, we believe that this proposal equates to sustainable development and as such the presumption in favour of approving this scheme should be applied, in line with paragraph 14 of the Framework and policies S1, S1a of the Draft Local Plan and the Sustainable Development SPG.

Impact on landscape

6.13 An updated Landscape and Visual Impact Assessment (LVIA) has been produced by PGLA. This established the baseline conditions for the landscape and visual amenity within a 7.5km study area, considered the potential effects on the landscape resource and visual amenity and assessed the significance of these impacts in order to establish the acceptability of the proposed development in landscape and visual terms.

6.14 The revised planning layout for this application has responded to comments received from the Council and in particular to address concerns regarding the potential impact on the landscape elements within the site and on the setting of the Peak District National Park. The density of the proposal has been reduced to allow for the arrangement of the dwellings within the site to be placed in a manner that avoids causing severe impact on the trees and corresponding root zones. Furthermore, the access point has been relocated to avoid bringing traffic into the root protection areas of the trees.

6.15 The development provides an improved western edge to Burbage, whereby the dilapidated buildings of the existing site are replaced with a reduced number of high quality new dwellings.

6.16 The new houses that front onto Macclesfield Old Road have been reduced in number and set back into the site to provide a substantial landscape buffer between the road and houses. The proposed planting plans show the introduction of strong landscape treatments associated with green infrastructure. This provides a framework for mitigation. The revised proposals are more in line with the landscape evidence by Wardell Armstrong produced for the Draft Local Plan which when assessing the application site

concluded that “some limited development could be accommodated subject to these constraints.”

- 6.17 The LVIA concludes that the likely impacts will be reduced as time proceeds due to the effective screening properties of the trees and building materials such as stone walls that are integral to the design. Ultimately, the scheme will become totally integrated into the landscape and form a new appropriate settlement edge to Burbage, or in some instances barely visible with just rooftops appearing nestled amongst mature tree canopies. These latter views are common and in keeping with the character of this landscape.
- 6.18 It is therefore considered that the proposals comply with policies OC4, OC10 and GD6 of the Adopted Local Plan, policies EQ2, EQ7 and EQ8 of the Draft Local Plan and the Landscape Character SPG.

Trees

- 6.19 Pre-application discussions were held with the tree officer. The revised layout responds to the tree reason for refusal by removing the use of the existing access by vehicles entirely. The access will be retained as a pedestrian route into the site, partly because it would be more disruptive to the trees to remove and landscape the existing driveway. This will have the effect of reducing pressure on the existing trees by reducing the driveway usage substantially whilst allowing the trees to continue to function as an attractive amenity feature that will be enjoyed by people accessing and passing the site. This function will be enhanced by the removal of an existing row of cypress trees that are planted beneath the avenue (G810). These trees are unsuitable for the location and detract from the amenity of the mature avenue trees. The cypress trees would also create increasing management problems over the next few years as they begin to compete with the broadleaved canopy.
- 6.20 Four moderate quality trees would be removed. These are located within the centre of the site, further from the road and less prominent than the driveway trees from that vantage. The only high quality tree (825) would be retained in sufficient space that it will not be adversely impacted or dominate the adjacent properties. The layout also allows ample space for new planting to offset the necessary removals, particularly to the south and around the pedestrian and vehicle entrances. On this site, the value of the trees is driven principally by their location, arrangement and landscape qualities rather than exceptional condition or anticipated longevity. The opportunity to secure a new generation of trees

should therefore carry considerable weight in balancing the impacts of the removal of a small number of existing mature trees within the context of an application. The landscaping scheme will diversify the species present and includes high canopy species to replace the stature of those removed (sycamore). The category B trees will be replaced at a rate of 2 for 1. The revised proposals sufficiently overcomes the tree reasons for refusal and complies with the provisions of policy OC10 of the Adopted Local Plan and policy EQ8 of the Draft Local Plan.

Character and appearance

- 6.21 Policy GD4 'Character, Form and Design' outlines aspects of development that will be expected to be of an acceptable standard, if they are to be successfully permitted. The proposed scheme will be exemplary in regards to each of the considerations.
- 6.22 The layout would be made up of 2, 3 and 4 bed dwellings. These and a mix of detached and semi detached, 2 storey and 2.5 storey. Housetypes have been chosen to respect the local vernacular. Many of the housetypes have been re-elevated to include bay windows, chimneys, stone window heads and cills. All the housetypes will be finished in stone like materials which will give a natural appearance in accordance with Policy BC1 of the adopted Local Plan. Proposed boundary treatments will include dry stone walls, stone pier with curved fence above and railings which are appropriate to the Buxton area.
- 6.23 The revised layout has significantly improved from the previous application and Persimmon has taken on board previous concerns. The proposed built form has drastically reduced from 31 to 15 dwellings allowing a substantially lower density scheme. The layout now sets the housing back more into the site on the south, west and eastern edges than the previous scheme and removes the units that had gable ends facing the countryside. There is now a lot more opportunity to introduce planting to the western boundary and open space to the south creating much greener layout as highlighted in the landscaping strategy.
- 6.24 With the access now being relocated further west along Macclesfield Old Road the existing belt of TPO trees can be retained which adds to the visual amenities approaching the site. The existing access path will be retained as a pleasant pedestrian and cycle link which improves permeability of the site.

6.25 Therefore the proposals comply with policies GD4, OC4, H11 and BC10 of the Adopted Local Plan, policies EQ5 and EQ6 of the Draft Local Plan and the Residential Design SPG.

Highways

6.26 A Transport Statement has been prepared by WYG which considers the proposed development in transport and highways terms. Pre-application discussions were held with Nick Knowles from Derbyshire County Council, who did not raise any highway concerns in principle to the amended layout.

6.27 The proposed site access would be taken from a priority junction directly off Macclesfield Old Road. It is proposed to provide an access junction comprising a 5.5m wide carriageway including a 6m radius and 2m wide footways on either side of the carriageway. The visibility splays at the access junction allow a lateral visibility splay of 2.4 x 43 metres in both directions along Macclesfield Old Road.

6.28 A swept path analysis has been carried out and has been shown to comply with the proposed access road.

6.29 The parking provision across the site is in accordance with the requirements of the Local Highway Authority and provides 2 spaces per 3 bedroom dwelling and 3 spaces per 4 bedroom dwelling.

6.30 As part of current development proposals, a section Macclesfield Old Road is proposed to be re-surfaced in order to bring the section of road up to current highway standards.

6.31 The development proposals entirely accord with the requirements of the National Planning Policy Framework concerning transport matters. In this regard Paragraph 32 states that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

6.32 The site has been shown to be accessible by non-car travel modes including public transport, walking and cycling, thus complying with current policy and guidance. The trips generated as a result of the proposals will be minimal and will have no material impact on the adjoining highway network. There should be no highways related issues that would

prevent this development being approved and as such the proposals complies with policies TR1, TR4, TR5 of the Adopted Local Plan and policy CF6 of the Draft Local Plan.

Affordable Housing

6.33 Saved Policy H9 'Affordable Housing for Local Needs' describes that "The Council will negotiate with developers to ensure the provision of a proportion of affordable housing for local needs, within new residential development." The development offers at least 30% affordable housing which complies with Policy H9. This is in the form of 5 No. 2 bedroom Handbury housetypes. Persimmon are proposing that all 5 of the units are delivered as intermediate tenure. Discussions are currently taking place with Register Providers about the delivery of the affordable housing on site. Further details can be found in the Affordable Housing Statement which accompanies the application.

Residential amenity

6.34 In line with policies GD5 and H11, which concern the effects of any development on amenity and health, the amenity of neighbouring and prospective future residents of the development has been protected through the design process. Properties neighbouring the site are not overlooked and best practice will be adhered to in regards to how prospective future properties relate to each other within the site. Stand off from the neighbour to the east has been significantly increased from the previous layout ensuring this neighbour's amenity is safeguarded. It should be noted that neighbour amenity was not raised as an issue during the previous application. The proposals comply with policies GD5 and H11 of the Adopted Local Plan.

Ecology

6.35 An updated Assessment of Significant Effects Report (ALSE) has been prepared by TEP. This concludes there will be no noticeable impact arising from the development on any of the designated sites.

6.36 The ALSE report includes the results of an Extended Phase 1 Habitat Survey undertaken by NLG Ecology. The survey identified the entire site to comprise an occupied dwelling surrounded by a large garden and outbuildings together with an area of grazed semi-

improved neutral grassland. Bats were not identified in more recent surveys although they were recorded in the past.

- 6.37 The Phase 1 report has recommended that bat-friendly measures be incorporated into the new buildings in order to enhance the habitat on the site and replace that which will be affected by the development. The mitigation proposals include the following: avoiding works during times when bats are most sensitive to disturbance; exclusion of bats from affected buildings prior to works under direct supervision of a licensed bat specialist; incorporating four "schwegler 2F bat boxes within 50m of the two buildings where the presence of bats were historically recorded (i.e. the existing dwelling house and one of the outbuildings); compensatory roosting features on at least one of the proposed new buildings close to the western site boundary including creation of a 'bat loft'; and management of external lighting within the new development.
- 6.38 No evidence of water vole or white-clawed crayfish was identified in previous surveys and as such there would be no impacts on water vole or white-clawed crayfish anticipated as a result of the proposed development.
- 6.39 The Planting Plans show the enhancement of the existing vegetation to provide connectivity for wildlife along green corridors and contribute to the local biodiversity and increase the ecological value of the site.
- 6.40 Subject to these sufficient mitigation proposals, it is not anticipated that there will be any undue harm to ecology in accordance with policy OC8 of the Adopted Local Plan and Policy EQ4 of the Draft Local Plan.

Flood Risk

- 6.41 The site is within Flood Zone 1 and is considered to be at a 'low' risk of flooding from fluvial and tidal sources. There is little risk to the proposed development from the adjacent watercourse due to the levels difference. The proposed development aims to minimise flood risk to others by implementing a Sustainable Urban Drainage System (SUDS). Two forms of treatment are proposed in the form of permeable paving and a polishing swale. Other SUDS options such as infiltration or a pond are not viable due to the cohesive nature of the soils and the gradient of the site respectively.

6.42 The River Wye is located just to the south of the boundary of the proposed development which is considered the primary means of surface water disposal and will mimic the pre-development flow of surface water.

Contamination

6.43 A Phase 1 Preliminary Risk Assessment accompanies the application. This reviews the historical information, the current site conditions and the anticipated shallow ground conditions at the site, based on available data, and concludes that the potential for contamination to be present on the site is very low. However, some localised contamination may be present associated with the activities undertaken in the outbuildings as well as a potentially in-filled pond. In addition, potential risks associated with landfill gas have been identified, although the potential risks are again considered to be low. The site is located in an area that is affected by radon gas and appropriate gas protection measures will be incorporated into the design of all new builds.

6.44 Specialist advice will be sought prior the site clearance and demolition works with respect to asbestos which was noted to be present on several buildings on site and risk associated with ground stability will be adequately assessed.

7 Conclusion

- 7.1 This statement, in conjunction with other supporting documentation has demonstrated that the proposals should be approved having regard to national and local planning policy, together with other material considerations. It has also explained how the previous reasons for refusal have been sufficiently overcome in the amended proposals. In summary these include:
- Significantly less built form is now proposed resulting in a much lower density scheme with softer edges appropriate to the edge of settlement location;
 - There is now a detailed landscape strategy and planting plans to mitigate any limited visual impact from the surrounding areas and create a much 'greener' layout, and;
 - The vehicular access has been relocated to remove any pressure on the existing TPO trees to ensure their retention.
- 7.2 The Council is unable to demonstrate a 5 year land supply of housing therefore the presumption in favour of sustainable development applies (para. 49, the Framework), unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits (para. 14, the Framework).
- 7.3 The key consideration in the determination of this application is therefore whether there are any adverse impacts that would demonstrably outweigh the benefits of the proposal. A suite of technical reports demonstrate that there would be no adverse impacts associated with the development in terms of landscape, highways, trees, flood risk or ecology. Indeed the proposals deliver significant economic, environmental and social benefits as a direct result of the development, as outlined within chapters of this report. Equally the design of the proposed development will significantly improve the visual appearance of the site, removing the unsightly outbuildings and rubble and replacing them with attractive stone built housing which is sympathetic to the surroundings. Persimmon believes that this reduced application will add value in terms of place-making and will contribute to the attractiveness of Burbage as a place to live.
- 7.4 Overall, the combined weight of the contribution of the proposals to boosting the supply of housing, contributing to the delivery of a wide choice of high quality homes including affordable housing and amounting to a sustainable form of development, should weigh heavily in favour of the 'planning balance'. It is therefore respectfully requested that the Council approves this application.
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