



Hearing Statement

Residential development comprising 23 apartments with associated works – Hogs Yard, Buxton Road, Whaley Bridge, Derbyshire

for High Peak Developments

Emery Planning Project Reference: 9097

LPA ref: HPK/2015/0436

Project : 9097
Site address : Hogs Yard, Buxton Road,
Whaley Bridge
Client : High Peak
Developments

Date : April 2016
Author : Gareth Salthouse

Approved by : Rawdon Gascoigne

This report has been prepared for the client by Emery Planning with all reasonable skill, care and diligence.

No part of this document may be reproduced without the prior written approval of Emery Planning.

Emery Planning Partnership Limited trading as Emery Planning.

Contents:

1. Introduction	1
2. The appeal proposal	2
3. Site and area description	2
4. Relevant planning history	4
5. Planning policy context	6
6. Planning considerations	13
7. Summary and conclusions	19
8. Appendices	30



1. Introduction

- 1.1 This Statement supports our client's appeal for the erection of two apartment blocks with associated works on land at Hogs Yard, Whaley Bridge.
- 1.2 Although the appeal site has been allocated for commercial purposes in the development plan for approximately twenty years, it remains vacant and has become increasingly unkempt and overgrown.
- 1.3 Planning permission was granted by the Council in 2013 for the development of the site for commercial purposes relating to food and drink, leisure and/or office uses. The Council was highly supportive of the design of this approved scheme and it followed extensive negotiation with officers. A lawful start has been made on the implementation of this approved scheme through the carrying of access works.
- 1.4 The appeal proposal is of precisely the same siting, scale, massing and site layout relative to the approved extant consent. The external appearance has been changed in order to incorporate more facing with natural stone, a traditional pitched slate roof and alterations to the fenestration such that it appears domestic in appearance.
- 1.5 Although the Council found the principle of residential development to be acceptable, the appeal proposal was refused on the basis of its design and relationship with the surrounding land. The release of this site is consistent with paragraph 47 of the NPPF and the need to boost housing regardless of the five-year housing land supply position.
- 1.6 There have been no material changes to the relevant planning context with regard to assessing design proposals within High Peak. Whereas the Council found the extant scheme to be good quality design, the appeal proposal would integrate much better with the surrounding area and the canalside in particular with strong and active frontages onto the towpath.
- 1.7 The proposal represents a number of positive economic and social benefits that attract significant weight in the decision-making process. We have not identified any environmental harm that would significantly and demonstrably outweigh the benefits associated with the proposal, and we consider the planning permission should be granted accordingly without delay.

2. The appeal proposal

- 2.1 This appeal relates to an outline planning application for the erection of two apartment blocks with associated works to include car parking on land to the south of the access road leading to the Tesco store within the area known as Hogs Yard. Access, scale, appearance and layout is to be considered with landscaping reserved for future consideration.
- 2.2 The proposed development is of the same access, scale and layout relative to the previously approved office scheme granted permission by the Council in 2013 (LPA ref: HPK/2013/0268). It again comprises two development blocks of part two and part three storeys in scale and massing:
- Block A: 13 two-bedroom apartments and positioned adjacent to the main access into the site; and
 - Block B: 10 two-bedroom apartments and positioned to the south of the site.
- 2.3 Further to the grant of planning permission HPK/2013/0268, the external appearance of the buildings has been revised such that it incorporates more natural stone facing, a traditional slate pitched roof and domestic windows, patio doors and balconies. The two apartment blocks have been designed such that they provide active and positive frontages onto the public realm. The canalside in particular would benefit from the natural surveillance provided as a result of the proposed development.
- 2.4 The scheme also incorporates a number of ecological enhancements including the re-creation of a redundant dried out ephemeral pond, the management of the broadleaved woodland with a management programme for the control of invasive species, planting of semi-improved grassland and scrub and the planting of native species.
- 2.5 The main access into the site would be via the existing main roadway that links the A5004 to the Tesco store to the north. The proposed layout provides for adequate internal turning space and car parking for 46 vehicles.

3. Site and area description

- 3.1 The site lies within the built-up area of Whaley Bridge as shown in the adopted local plan. The southern boundary of the site is located to the north of the town centre of Whaley Bridge.

- 3.2 Access to the site is gained via the road into an Tesco store to the adjoining area of land to the north. This roadway forms a junction with the A5004, which itself links with the roundabout junction on the A6 to the north and runs through Whaley Bridge to Buxton to the south. Pedestrian access is gained via this main access and the adjacent canal towpath.
- 3.3 The site forms part of a wider area, known as Hogs Yard, and it is sited in an area of lower-lying land in comparison to the A5004 to the west and the A6 to the north. The northern and western boundaries of the site are defined by the road and the Peak Forest Canal with the River Goyt running around the eastern and southern boundaries. Beyond the south-eastern boundary of the site on the opposite side of the River Goyt, there is the established Bingwood Industrial Estate. The naturally low-lying location and existing boundary planting provide good screening of the site from the main vantage points beyond the site boundaries.
- 3.4 Part of the original Hogs Yard has been developed to provide a Tesco store with associated car parking and a filling station. This store lies immediately to the north of the appeal site. Land to the north-east of the appeal site, and to the east of the Tesco store, has been granted planning permission for a mixed business, retail and restaurant scheme that remains extant (see the planning history section below).
- 3.5 The appeal site is located on the main bus route into Whaley Bridge along the A5004. There is a bus stop, provided as part of the redevelopment of the Tesco site, adjacent to the site. Access to the canal towpath is via steps directly opposite the proposed new access into the proposed residential development. The town centre and main railway station are located approximately 400m to the south of the appeal site.

4. Background to the allocation of the site in the development plan

- 4.1 The appeal site has been allocated for employment purposes in the development plan since the High Peak Local Plan was adopted in 1998 (Primary Employment Zone). Over the subsequent eighteen years the site has not come forward for development for employment purposes despite the appellant actively seeking end-users. Indeed, the appellant initially secured outline planning permission in 2004 for the redevelopment for food and drink, leisure and/or office purposes.

- 4.2 The allocation of the site through the High Peak Local Plan adopted in 2005 is as a regeneration site (Policy TC14) whereby a range of commercial uses would be supported by the Council including hotel uses, office development and general industrial uses.
- 4.3 As outlined through our initial planning statement, the site has been actively marketed the site for commercial purposes for many years by GVA Grimley. The appeal site has become increasingly overgrown and unkempt. It is sustainably located within the settlement boundaries and the wider Hogs Yard area and in accordance with the NPPF there is a need to secure a sustainable and viable use for the site going forwards.

5. Relevant planning history

Wider Hogs Yard

- 5.1 Outline planning permission was initially granted in 1992 for a retail/business park across an area of approximately 4 hectares (LPA ref: 030777), which included the appeal site. A reserved matters (LPA ref: 034282) application was subsequently approved and this included 2,347sqm retail space and 1,776 office/business space. The approved access was implemented in 1997 and this consent therefore remains extant.
- 5.2 The approved application 034282 was subsequently amended in 1999 (LPA ref: 038205). This included the relocation of the approved retail store to the north of the access road into the Hogs Yard site from the A5004, and the business units were shown on the eastern side of the Hogs Yard site.
- 5.3 The existing Tesco store to the north of the appeal site stems from two further planning applications in 2001 for an extension to the approved food-store and the erection of a petrol filling station (LPA ref: 39795 and 39794).
- 5.4 Land to the north-east of the appeal site, and to the east of the Tesco store, has been granted planning permission for a mixed business, retail and restaurant scheme comprising approximately 2,230sqm floorspace (LPA ref: HPK/2012/0087). This was an extension of time to a previously approved scheme (LPA ref: PK/2009/079).
- 5.5 Although the approved development referred to above (LPA ref: HPK/2012/0087 represented the same scheme that had been granted planning permission by the Council in 2009 (LPA ref:

LPA ref: PK/2009/079), the Council refused to grant planning permission on the basis of its design. The Inspectorate allowed the subsequent appeal with costs awarded against the Council on the basis of unreasonable behaviour (PINS ref: APP/H1033/A/12/2187670). The approved plans and appeal decision letter are at **EP1**. Subsequently, the approved scheme was revised such that it incorporated three retail units only with a floorspace of 2,322sqm (LPA ref: HPK/2013/0300). The approved plans are at **EP2**. Planning permission HPK/2012/0087 has now been lawfully implemented by the Appellant through the carrying out of access works.

The appeal site

- 5.6 Outline planning permission was approved by the Council in 2005 for a mixed-use development including offices, food/drink and assembly and leisure (LPA ref: HPA/2004/0590). Reserved matters were approved in August 2008 (LPA ref: HPK/2008/0360) and this consent was extended twice, in 2010 (LPA ref: HPK/2010/0206) and in 2013 (LPA ref: HPK/2013/0268).
- 5.7 The approved plans relating to HPK/2013/0268 are at **EP3** with the officer's report is at **EP4**. The relevant pre-development conditions relating to HPK/2004/0590 and HPK/2013/0268 have been discharged by the Council. See the decision notices at **EP5** and **EP6**.
- 5.8 A lawful start has now been made on planning permission HPK/2013/0268 through the carrying out of access works.
- 5.9 The most recent planning application relating to the appeal site, prior to the appeal proposal, also related to an outline planning application for 23 apartments. This application was withdrawn by the applicant in March 2015 (LPA ref: HPK/2014/0660) further to concerns raised by the Derbyshire Wildlife Trust in relation to the absence of reptile surveys. Officers also raised concern about the design of this proposed development with issues raised by officers including the 'commercial appearance' of the proposal.

Pre-application meeting

- 5.10 Following the withdrawal of HPK/2014/0660, the appellant and their architects, Maybin Architectural Design, met with officers in April 2015 in order to discuss the design of the proposal in more detail.
- 5.11 We understand that Council officers advised that the site was not readily developable in landscape terms and any residential scheme should comprise circa. five cottage type

dwellings only. We do not consider that such a scheme would be appropriate or desirable with regard to the character and appearance of the area and nor does this take account of the scale and form of the development approved within the extant consent.

6. Planning policy context

National planning policy and guidance

6.1 At the heart of the NPPF, there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 14 states that 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 impact of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
 - specific policies in the NPPF indicate development should be restricted

Housing land supply

6.2 Paragraph 47 of the NPPF requires local planning authorities to identify a supply of deliverable sites sufficient to provide five years of housing against their housing requirement, with an additional buffer of 5% or 20% where there has been a record of permanent under-delivery.

6.3 Paragraph 49 of the NPPF states 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 housing land supply.

Employment land

6.4 Paragraph 22 of the NPPF makes it clear that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Paragraph 51 states the following:

"Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate."

Design

- 6.5 Paragraphs 56 to 68 deal with good design. These paragraphs clarify 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).
- 6.6 Paragraph 58 relates to plan making and states that local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area.
- 6.7 Paragraphs 59, 60 and 61 state:
- *"Local Planning Authorities should consider using design codes where they could help deliver high quality outcomes."*
 - *"Design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally."*
 - *"Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness."*
- 6.8 Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 6.9 Paragraph 64 is clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Development plan context

6.10 The saved policies of the High Peak Local Plan (saved by Secretary of State direction 2007) comprise the development plan. The end date for the plan was 2011. Therefore, in accordance with the NPPF where policies are out-of-date, the NPPF takes precedence. The Proposals Map shows that the appeal site is within the built-up boundary of the main settlement town of Whaley Bridge and is allocated within the larger '*Hogs Yard Regeneration Area*' (Policy T14).

6.11 The most relevant saved policies to the determination of this appeal are as follows:

- Saved Policy GD2 – Built-up Area Boundaries
- Saved Policy GD4 – Character, Form and Design
- Saved Policy GD5 - Amenity
- Saved Policy TC14 – Regeneration Area at Hogs Yard
- Saved Policy OC10 – Trees and Woodlands
- Saved Policy H1- Principles of Housing Provision
- Saved Policy H5 – Housing Within the Built-up Area Boundaries
- Saved Policy H9 – Affordable Housing for Local Needs
- Saved Policy H11 – Layout and Design of Residential Development
- Saved Policy TR1- Transport Implications of New Development

Other material considerations

Five year housing land supply

6.12 The Council's Committee report acknowledges that the Council cannot demonstrate a deliverable five-year supply of housing land. Paragraph 49 of the NPPF is therefore engaged and the relevant housing policies should be considered out-of-date.

6.13 In the event that the Council changes its position with regard to the five-year supply then we reserve the right to make additional comment.

Emerging local plan

- 6.14 The Council submitted the Submission Version of the Local Plan (April 2014) to the Planning Inspectorate in August 2014. Examination hearings took place in January and February 2015.
- 6.15 Initially, the Council progressed on the basis that the housing requirement for the emerging local plan (360 dwellings per annum) comprised a constrained figure. It acknowledged that the full objectively assessed housing need (OAN) was at least 420 dwellings per annum. The Council argued that 360 dwellings per annum was the maximum quantum of development that could be delivered on the basis of landscape impacts.
- 6.16 Subsequently, the Council consulted on a revised housing requirement of 350 dwellings per annum further to the release of updated household projections in February 2015 (2012-based projections). An additional hearing session took place in September 2015 in order to discuss the implications of the new household projections for the emerging local plan.
- 6.17 The Council has now received the Inspector's report (as of 24th March 2016) and will report to Committee in late April with adoption envisaged thereafter. This Inspector has accepted a housing figure of 350dpa. In applying the figure of 350dpa the Council anticipates a supply of 6.2 years based on applying the 'Liverpool' method to the shortfall.
- 6.18 Modified Policy H1 has been carried forward giving support to the supply of housing in sustainable locations on the edge of settlements irrespective of a 5 year supply in recognition of persistent under-delivery against previous targets. We comment further on the housing 'policy' position within our planning considerations. Modified Policy H1 (Location of Housing – see **EP7**) of the emerging/newly adopted local plan includes the following text:

"The Council will give consideration to approving sustainable sites outside the defined built up area boundaries, taking into account other policies in this Local Plan, provided that:

- The development would be adjacent to the built up area boundary and be well related with the existing pattern of development and surrounding land uses and of an appropriate scale for the settlement; and*
- the development would not lead to prominent intrusion into the countryside or have a significant adverse impact on the character of the countryside; and*
- it would have reasonable access by foot, cycle or public transport to schools medical services, shops and other community facilities; and*

- *the local infrastructure can meet the additional requirements arising from the development."*

6.19 The further policy of the emerging/newly adopted local plan most relevant to the determination of the appeal is Policy DS10 'Bingswood, Whaley Bridge', which relates to the wider Hogs Yard site and incorporates the appeal site. Bingswood denotes Hogs Yard and the Bingswood Industrial Estate on the opposite side of the River Goyt. This draft policy states the following:

"Land amounting to 6.8ha is allocated for business and mixed use development subject to compliance with adopted Local Plan policies. The majority of the area to the south and east of the River Goyt, comprising the existing industrial estate and undeveloped brownfield area to the north of the estate, should be developed for business use. Residential development of approximately 75 dwellings may be permitted on 2.5ha within the site, subject to:

- *Provision of new access to the Bingswood Industrial Estate. This access to be constructed before any further development of the site;*
- *Preparation of a comprehensive masterplan and phasing programme, including the protection of existing employment on the site;*
- *Provision of the required proportion of affordable housing (currently 30%). Any reduction in this amount will be subject to financial assessment;*
- *Contributions towards infrastructure, greenway improvements, services and other community needs as required;*
- *Provision of a comprehensive landscaping plan, including the retention of mature trees;*
- *Contamination and ground condition survey;*
- *Provision of flood mitigation measures in consultation with the Environment Agency;*
- *An assessment to consider and address impact on the adjacent wildlife site and ancient woodland;*
- *Archaeological desk-based assessment;*
- *Buildings appraisal and assessment of non-designated heritage assets.*

Appropriate uses for the area to the north and west of the River Goyt (Hogs Yard) may include business, hotel, assembly and leisure, food and drink, tourist accommodation and facilities. Town centre uses should accord with Policy CF1.

Development is also subject to provision of flood mitigation measures in consultation with the Environment Agency.

Within any development, land will be reserved to allow for the construction of an access road and new bridge over the River Goyt to the Bingswood Industrial Estate and adjoining land."

- 6.20 The Local Plan Inspector's report, available to view a week prior to the submission of this appeal, makes comments on the potential for residential development on the appeal site (paragraph 227). The Inspector notes that the site has been marketed for a number of years without development taking place, although this period of time included a period of poor economic conditions with limited details being available. We will seek to address these recently made comments through the submission of further marketing information during course of this appeal. The Inspector also notes that such a use would need to be compatible with nearby employment uses.

Landscape Impact Assessment Report (July 2014)

- 6.21 Wardell Armstrong carried out site-specific surveys of sites to consider their potential for development in landscape terms further to the recent consultation (April to June 2014) on the submission local plan.
- 6.22 The report includes a site-specific assessment of the appeal site and makes the following comments:

"The existing settlement edge is well defined and vegetated. The site is largely screened from the surrounding area by trees and its lower elevation. Potential site identified as suitable for development in landscape terms subject to the creation of an appropriate landscape framework which would include the retention of existing vegetation and consideration of the setting of the canal."

- 6.23 The report concludes that the appeal site is developable in landscape terms and this supports the allocation of the site in the emerging local plan for business and residential purposes. The Wardell Armstrong assessment is at **EP8**.

High Peak Residential Guide Supplementary Planning Document (2005)

6.24 Chapter 1 of this SPD states that the guidance document serves the following main purposes:

- It expands upon Local Development Plan policy to provide more detailed and practical design advice for the design of residential development.
- It informs the reader of the dominant settlement patterns, building forms and building details distinct within the Borough.
- It promotes an approach to design grounded in an understanding of the qualities which contribute to local distinctiveness and sense of place in High Peak.
- It encourages an approach towards residential design, which is mindful of context but is also innovative.
- It provides an effective and transparent mechanism for reviewing design quality as part of the planning process.
- It offers greater certainty to developers and their designers in understanding the aspirations of the Council.

6.25 Chapter 4 of the SPD set outs the three main settlement patterns of High Peak:

- irregular and organic;
- linear grid; and
- axial and picturesque.

6.26 Paragraph 4.3 relates to the 'irregular and organic' settlement pattern of parts of Whaley Bridge and notes the following:

"The structure of this settlement pattern is based on radial streets converging in a square or market place. Streets follow sinuous curves making up a loose grid. Street widths are stepped, producing pinch points where the street is narrowest and small public spaces where the street is wider. The benefits of these discontinuities in street width are two fold, traffic is slowed and points of interest are created within the built fabric creating changing views and experiences. Street alignments closely reflect changes in topography and promote a sense of journey. Buildings face directly onto and follow the turns of the street. The curves of the street create closed views whilst the closeness of buildings to the street produces a strong sense of enclosure and an intimate scale."

6.27 Although the SPD encourages new housing development to adhere to one of the three main settlement patterns, it does not advocate a standardised approach to new housing developments. Paragraph 4.2 of this guidance document states design principles outlined may

be refined in response to more detailed context analysis to suggest other layouts relevant to their place.

- 6.28 We make further reference to this guidance document in the planning considerations section of this statement.

Ministerial Statement October 2015 (Brandon Lewis MP)

- 6.29 Further to the provisions of Part 3 Class O of the GPDO 2015, the Ministerial Statement is clear that such permitted development rights will now be made permanent in order to help boost the supply of housing. The Statement also supported the expansion of such rights to include the demolition of office buildings for new residential buildings and other permitted development rights to enable the change of use of light industrial buildings and launderettes to new homes. The Statement includes the following:

"Today's measures will mean we can tap into the potential of underused buildings to offer new homes for first-time buyers and families long into the future, breathing new life into neighbourhoods and at the same time protecting our precious green belt."

- 6.30 The Ministerial Statement is at **EP9**.

High Peak Strategic Housing Market Assessment (April 2014)

- 6.31 This SHMA, prepared by NLP, notes the very significant affordable housing needs across the Borough. It identifies an annual requirement of 878 affordable dwellings (gross) and 526 affordable dwellings (net) in order to meet the Borough's affordable housing needs.

7. Planning considerations

Principle of development

- 7.1 At the time of writing, the adopted local plan is predicated upon historic housing requirements, which were set out through the Derbyshire Structure Plan (1991-2011). Subsequently, the East Midlands Regional Spatial Strategy (RSS) increased the Borough's housing requirement from 250 dwellings to 300 dwellings, backdated to 2006. The RSS has since been revoked.
- 7.2 The saved policies of the adopted local plan relating to housing land supply are time-expired. The Planning Inspector in an appeal relating to land at Dinting Road, Glossop (PINS ref:

APP/H1033/A/13/2204114 – see **EP10**) confirmed that Policy H1 was inconsistent with the NPPF. Paragraph 13 of the Inspector's decision states:

"The LP was drafted to cover the period to 2011, and the settlement boundaries defined by LP Policy GD2 will have reflected the need for and supply of land for new development, particularly housing, at the time the plan was drafted. The LP text explains that boundaries were quite tightly drawn around previous built-up areas. The settlement boundaries can now be seen as time-expired and the restriction they impose on the location of new housing as out of date. Policy OC1 provides a complementary and integral part of this restriction."

- 7.3 Furthermore, the Council continues to acknowledge that it cannot demonstrate a deliverable five-year supply of housing land. Paragraph 49 of the NPPF is therefore engaged.
- 7.4 In such circumstances, the NPPF advises that planning applications should be determined in accordance with paragraph 14 and the presumption in favour of sustainable development. Planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 7.5 On adoption of the new local plan the Council will say they can now demonstrate a 5 year supply based on a housing figure of 350dpa. Firstly, we do not consider that the ability to demonstrate a 5 year supply should or would prevent this site coming forward for the following reasons which are discussed in more detail later:
- Policy H1 is explicit in allowing the development of sites for housing on the edge of settlements in sustainable locations irrespective of a 5 year housing supply;
 - the site is within the settlement of Whaley Bridge and is not contrary to policy;
 - the Council rely on the delivery of windfall sites such as this to meet their 5 year supply;
 - marketing has shown that there is no demand for further commercial development in this location;
 - a 5 year supply should not be considered a ceiling on housing provision given the Government's stated desire to significantly boost supply. Secondly, we consider that the Council cannot actually demonstrate a robust deliverable 5 year supply of housing or at the very least delivery is doubtful and opportunities should be taken to add to the supply.

- 7.6 We enclose a copy of our representations to the emerging local plan EIP with regard to the 5-year supply position at **EP19** (dated February and September 2015). The Council's housing trajectory for the emerging local plan anticipates 301 housing completions for the year 2015/16 further to information at Table 1 of this Statement. We reserve the right to present additional evidence on the five-year housing land supply position through this appeal. Once we have received the most up-to-date evidence on housing completions as of the year 2015/16 from the Council, we will submit a separate five-year housing land supply position statement to the Planning Inspectorate that fully sets out our position.

Affordable housing provision

- 7.7 Paragraph 47 of the Local Plan Inspector's report for the emerging local plan notes the substantial affordable housing needs within High Peak, which equate to 526 dwellings per annum (net). However, the Inspector expresses concern that the amount of market housing required to deliver the full affordable housing needs would result in excessively high building rates, which in the Inspector's view would be unrealistic. On this basis, the Inspector has accepted the 350 dwellings per annum figure as the housing required.
- 7.8 The appeal proposal is 'deliverable' within the context of paragraph 47 of the NPPF. It would deliver an element of affordable housing within the short-term and would go some way to addressing the identified affordable housing needs across the Borough.
- 7.9 Within the context of the above, the provision of affordable housing should attract substantial positive weight in the decision-making process.

Boosting housing land supply

- 7.10 Notwithstanding the presence of a five-year housing land supply, we have demonstrated that the proposed development of the site for residential purposes is consistent with the emphasis of the NPPF on positive growth and boosting the supply of housing.
- 7.11 We are aware of several recent appeal decisions where planning permission has been granted in the open countryside for windfall major residential developments where the Inspector had found the Council to have a demonstrable five-year supply of housing land. See the Davenham, Moulton and Weedon Bec appeal decisions at **EP11**, **EP12** and **EP13**. This approach is consistent with paragraph 47 of the NPPF and it serves to emphasise the point that the presence of a five-year housing land supply does not represent a 'ceiling' to residential

development. The situation is described in the appeal decision at **EP11** as follows (paragraph 14):

“Before embarking on the assessment of supply it is apposite to understand the position agreed at the inquiry. First, that a 5 year requirement is not maximum figure in the context of the NPPF objective to significantly boost supply. Secondly it is acknowledged that housing land supply calculations can never be exact. The predictions can only be based on the best available information applied with the best available skill and knowledge.”

7.12 It is particularly the case in High Peak that there is a need to boost housing land supply significantly. The Council has seriously underperformed in terms of the delivery of new housing across the Borough historically. See the table below:

Table 1: Delivery of housing 2006-2015

Monitoring year	Housing delivered	Actual housing requirement (dwellings per annum)	Shortfall relative to housing requirement
2006-07	599	300 (RSS)	+299
2007-08	360	300 (RSS)	+60
2008-09	167	300 (RSS)	-133
2009-10	122	300 (RSS)	-178
2010-11	157	300 (RSS)	-143
2011-12	102	350 (Emerging local plan)	-248
2012-13	207	350 (Emerging local plan)	-133
2013-14	36	350 (Emerging local plan)	-294
2014-15	137	350 (Emerging local plan)	-183
Total	1797	2850	-1013

- 7.13 For the emerging local plan, the Local Plan Inspector wrote to the Council in October 2015 to advise that a significant modification to Draft Policy H1 (Location of Housing) should be consulted upon as a 'Main Modification'. This amended policy would be permissive of sustainable edge-of-settlement sites coming forward for residential within the open countryside regardless of the absence of a five-year supply of housing.
- 7.14 Such an approach would be consistent with the need to boost housing land supply across the Borough regardless of a five year supply of housing and the findings of the appeal decisions at **EP11, EP12** and **EP13** of this Statement.
- 7.15 The appeal site is located within the established settlement boundaries and is locationally sustainable in terms of key services and public transport options. Its release for housing is considered to be consistent with the emphasis of the NPPF on boosting housing land supply and supporting positive and sustainable growth.
- 7.16 The government's emphasis on the need to boost housing land supply is reflected in the GPDO 2015 and the provisions that allow changes of use from shops and financial/professional institutions (Class M), casinos and amusement arcades (Class N), offices (Class O), storage and distribution uses (Class P) and agricultural buildings (Class Q). It is also seen in the Ministerial Statement October 2015 (**EP9**).
- 7.17 Clearly, the intention of the government is that any land presently underutilised and not designated for sensitive purposes such as the Green Belt should be redeveloped for housing in order to meet the ongoing housing crisis across the country, which is also being experienced in High Peak. The release of the appeal site for housing would be fully consistent with this objective.

Fallback position

- 7.18 The local planning authority is required to give due regard to what may happen should planning permission not be granted i.e. the 'fallback position'. There is extensive case law to demonstrate that a legitimate fall-back position must be taken as a material consideration.
- 7.19 Caselaw has established that the prospect of the fall-back position occurring need not be probable or likely. Even where the possibility of the fallback position happening in 'very slight indeed' or merely 'an outside chance', it is sufficient to make it a material consideration (see

Samuel Smith Old Brewery Tadcaster vs. Secretary of State for Communities and Local Government 2009 and Zurich Assurance versus North Lincolnshire Council).

7.20 Indeed, the High Court ruling for the Zurich case referred to above states the following at paragraph 75 with regard to the prospects of the fall-back position:

"The prospect of the fall-back position does not have to be probable or even have a high chance of occurring; it has to be only more than a merely theoretical prospect. Where the possibility of the fall-back position happening is very 'slight indeed' or, 'merely an outside chance', that is sufficient to make the position a material consideration".

7.21 We enclose a copy of the Zurich judgement referred to above at **EP14**.

7.22 The site benefits from planning permission for precisely the same built form and layout (albeit with the different design) as the appeal proposal (LPA ref: HPK/2013/0268). This planning permission has now been lawfully implemented through the carrying out of access works by the Appellant with works ongoing.

7.23 Matters relating to the scale, massing, siting and layout of the proposed development have been established through the fallback position. The Council's Committee report did not give any weight to this fallback position with no reference to the potential of this extant planning permission being implemented. The only changes relate to the external appearance of the buildings and these alterations would tie in much better with the character and distinctiveness of the area and the canalside setting in particular.

Allocation of the appeal site as a regeneration site

7.24 The appeal proposal would be contrary to the provisions of Policy TC14 of the adopted local plan, which identifies commercial uses as being appropriate on the site. However, as discussed earlier the site has been allocated for such purposes for some twenty years and has been marketed as such with no firm interest from any end-users having been forthcoming.

7.25 In response to the points made through our Planning Statement with regard to the lack of demand for commercial use, the Council did not identify issues relating to the potential loss of employment land (albeit land that has never been developed for such purposes) as being an adverse impact through the Committee report. The appellant has progressed on this basis.

7.26 Indeed, the proposal should be seen in the context of paragraphs 22 and 51 of the NPPF with the latter stating the following:

"Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate."

7.27 The proposed development would help boost housing land supply through the release of a sustainable site and is therefore consistent with paragraph 47 of the NPPF.

7.28 The Local Plan Inspector's report was released a week prior to the submission of this appeal with the Inspector making comments on the potential for residential development on the appeal site (paragraph 227). The Inspector notes that the site has been marketed for a number of years without development taking place, although this period of time included a period of poor economic conditions with limited details being available. We will seek to address these recently made comments through the submission of further marketing information during course of this appeal. The Inspector also notes that such a use would need to be compatible with nearby employment uses.

Design

7.29 As already discussed, the Bingswood area (i.e. Hogs Yard and the Bingswood Industrial Estate) is assessed through the Wardell Armstrong Landscape Impact Assessment (January 2014) as being developable for residential development:

"Predominantly flat, enclosed site comprising ruderal grassland, woodland, an industrial estate, a supermarket and recent planning permissions. Adjoins Goyt Mill Wood Local Wildlife Site. Screened by elevated road and woodland, low visual impact from surrounding area. Currently proposed route of access road would be impractical in landscape terms due to change in levels and river crossing requiring substantial clearance of vegetation and habitats."

7.30 The Bingswood area is very much self-contained within the river valley, being at a lower level to the adjacent roadway and canal. It is physically separated from the built form of Whaley Bridge to the south and east by the Peak Forest Canal, Buxton Road and existing woodland. The site is not visually prominent and has a low visual impact given its topography and vegetation.

7.31 The area surrounding the appeal site is characterised as follows:

- the built form within Bingswood/Hogs Yard comprises a range of buildings of different sizes, layout and design with an industrial estate on the opposite side of the River Goyt and the existing Tesco development to the north (see photographs at **EP15**);
- there is no clear street pattern from which to integrate the proposed development into;
- the Peak Forest Canal extends adjacent to the western boundary of the site and is an important recreational route;
- the canal towpath that passes the appeal site does not benefit from natural surveillance and it is a rather oppressive experience at present for users of the towpath and the canal (see the photograph at **EP16**);
- the River Goyt extends adjacent to the eastern boundary of the site;
- the site is very well screened by boundary trees and planting.

7.32 Paragraph 4.2 of the Council's Residential Guide SPD states the following:

*"New housing development, which does not adopt one of these settlement patterns, will be out of character with the High Peak and unacceptable in design quality terms. **This approach may be refined in response to more detailed context analysis to suggest other layouts relevant to their place** (our emphasis)."*

7.33 The site does not share any functional or physical relationship with the characteristics of 'Irregular and Organic' settlement pattern set out at paragraph 4.3 of the Residential Guide SPD. The site has its own distinct mixed-use character and applying a specific typology of built form (e.g. 'Irregular and Organic'), without any consideration of the specific context relevant to the area, would not be appropriate and is contrary to the Residential Guide SPD.

7.34 The siting, scale, massing and layout of the proposed development is precisely the same as previously approved by the Council in July 2013 (LPA ref: HPK/2013/0268). The Council's assessment in terms of its design merits was not a balanced one. The Committee report (**EP4**) assessed the scheme against the provisions of Policy GD4 of the adopted local plan, together with the NPPF and we copy extracts below:

"The external appearance of the scheme was subject to extensive negotiation between the developer and officers from the Council and was considered to be acceptable."

*"The NPPF came into effect in 2012 and is a material consideration. The Policies outlined above are considered to be consistent with advice in the Framework. The proposal is considered to be in accordance with the government's principle aim of supporting economic growth set out in the Framework Chapter 1 and provides a **good quality development in design terms** (our emphasis) in accordance with the requirements of Chapter 7."*

"Officers have worked with the developers to achieve a sustainable scheme in line with the requirements of Paragraphs 186 and 187 of the NPPF."

7.35 There has been no material change to the context of the appeal site and the surrounding area in the intervening period. The only differences introduced by the appeal proposal in relation to HPK/2013/0268 relate to the external appearance of the proposed two buildings:

- much more natural facing stone as opposed to external render;
- a traditional slate pitched roof as opposed to a zinc curved roof; and
- domestic fenestration detailing to reflect the residential use of the buildings with vertically emphasised windows, patio doors and balconies.

7.36 The Canals and Rivers Trust make the following consultee comments with regard to the design and layout of the proposed development:

"We note that the fenestration of both blocks has been revised from that of the previously submitted schemes and the design now has a less commercial character to it than before. The palette of materials to be used comprises gritstone, render, glazing and slate roofing, with the stone and render being subject to approval by the Local Planning Authority. The quality and finish of these materials will be key to the successful integration of the development into the surrounding area, as will retention of the existing trees adjacent to the towpath (as noted in the Design and Access Statement at paragraph 7.4) and the implementation of a suitable landscaping scheme. We would suggest that approval of samples of the materials to be used should be secured by condition."

7.37 The incorporation of a suitable landscaping scheme can be addressed at the reserved matters stage. External materials can be agreed with the local planning authority through an appropriately worded planning condition.

7.38 Paragraphs 7.22 to 7.33 of the Council's Committee report (**EP4**) for the appeal scheme relate to the potential impact of the proposed development on the character and appearance of the area. These comments appear to be partly based upon the consultee comments provided by the Council's Design and Conservation Officer (**EP17**). The points outlined by the Council can be summarised as follows:

- concern about the form, scale and massing of the proposed apartment blocks;
- the design approach being inappropriate for this 'rural context';
- 'isolated' form of residential development;
- the proposed scheme is not reflective of the radial and organic street pattern of Whaley Bridge;
- the design approach is not legible and it does not read as containing a residential use;
- extensive areas of hard surfacing with limited usable outdoor amenity space and little opportunity for soft landscaping; and
- lack of permeability between the site and Whaley Bridge town centre.

7.39 We provide a response against each of these points below.

Form, scale and massing of the proposed apartment blocks

- 7.40 The Council has already assessed the built form of the proposed development through planning application HPK/2013/0268 in terms of its scale and massing, and found it be *'good quality in terms of design'*. The Council's Committee report **(EP4)** also notes that the *'external appearance of the scheme was subject to extensive negotiation between the developer and officers from the Council and was considered to be acceptable.'*
- 7.41 The scale of the proposed built development at part two-storey and part three-storey is wholly commensurate with the location of the site along the Buxton Road/canal corridor and within the context of the surrounding built form that incorporates a wide range of building types and layouts e.g. the substantially sized and utilitarian Tesco store directly opposite the appeal site and the Bingswood Industrial Estate on the opposite side of the River Goyt.
- 7.42 The appeal proposal would respond positively to the surrounding area and the canalside setting in particular creating a development recognizing the canalside location and reflective of the many mills located in this way throughout High Peak. Whereas the approved scheme HPK/2013/0268 comprised commercial use only, the proposed residential use would provide positive frontages and natural surveillance onto the public realm through the incorporation of habitable residential windows, balconies and the comings and goings of residents 24 hours a day. There would be increased street-level activity surveillance as a result of the development and this would enhance the setting and usability of the Peak Forest Canal.

- 7.43 The canal towpath at present is not well overlooked, and it presents users with a rather oppressive and isolated experience as they pass the appeal site and under the road bridge that serves Tesco, particularly beyond daylight hours (see the photograph at **EP16**). The Council has not afforded any weight to such benefits.

The proposed design approach is not appropriate for this rural context

- 7.44 The visual change of this site from a rural environment to a more urban one has already been established through the grant of planning permission by the Council for HPK/2013/0268. This change has been accepted by the Council. Although the site will change visually, the Council does not make clear what harm to the landscape would follow as a result of the proposed development. There is no consideration by the Council of the Wardell Armstrong Landscape Impact Assessment (July 2014), which found the site to be developable in landscape terms.
- 7.45 The Council has had aspirations for this site to come forward for development for approximately twenty years through the allocation within the local plan as a regeneration site. It is inevitable that any development on the site will lead to a loss of openness given that the site is presently absent of any built development. The visual change of the site from a vacant piece of open land to a developed site is not a reasonable basis for withholding planning permission.
- 7.46 In any case, we would wholly disagree that the appeal site enjoys a 'rural context'. It is viewed within the context of the Buxton Road, a principal and heavily trafficked route through Whaley Bridge, and the wider built development that incorporates the Tesco store, the Bingswood Industrial Estate and the extant planning permission for retail development to the immediate north-east (see the approved plans at **EP1**).

The proposed design is not legible and does not read as containing residential use

- 7.47 We do not understand the Council's point regarding legibility. The site is very much self-contained and the development would integrate well with the wider Bingswood (Hogs Yard) mixed-use area.
- 7.48 The proposed development has a domestic appearance with the use of natural facing stone, domestic scale fenestration detailing and a traditional pitched slate roof. It would read as being a residential apartment scheme and there is no indication whatsoever through its design that the building would contain commercial uses.

- 7.49 However, even if the proposal is not considered to be 'legible' as residential development that it not necessarily a bad thing. The site is a canalside location where historically commercial buildings were sited reflective of the canals being trade routes and as can be seen at the canal basin and all along the High Peak canal. A building that reflects this context but is put to residential use is therefore entirely appropriate.

The proposed design does not accord with the traditional street pattern, form and scale of residential development within Whaley Bridge.

- 7.50 The site is very much self-contained and the development would integrate well with the existing Bingswood (Hogs Yard) mixed-use area. The site is not read within the context of existing two-storey built development that may be found within the residential areas of Whaley Bridge, which is reflective of the fact that the Canal stops on the edge of Whaley Bridge.
- 7.51 There is there is no clear street pattern from which to integrate the proposed development into. Paragraph 4.2 of the Residential Design Guide SPD confirms that a standardised approach to designing residential development is not always appropriate and may be refined with reference to the specific sense of place. This is the case for this development.

Isolated form of residential development

- 7.52 We do not understand the Council's point regarding 'isolation'. See our points at paragraphs 7.38 to 7.40 of this Statement regarding permeability and accessibility to Whaley Bridge town centre. The suitability of the area for residential development is acknowledged by the Council for the emerging local that allocates part of Bingswood for 75 dwellings.

Extensive areas of hard surfacing with limited usable outdoor amenity space and little opportunity for soft landscaping

- 7.53 Firstly, the hard surfacing proposed is precisely the same as that approved by the Council in 2013 for HPK/2013/0268. There have been no material changes in the planning policy context or the site context in the intervening period.
- 7.54 Although landscaping is a reserved matter for the purposes of the appeal proposal, the submitted Ecological Appraisal (Ascerta – July 2015) confirms that there will be a substantial amount of planting retained and added (Appendix 2) as part of the ecology proposals for the site:

- Re-creation of a dried out ephemeral pond that would hold water permanently to the benefit of the biodiversity of the site;
- management of the broadleaved woodland with a management programme for the control of invasive species;
- planting of semi-improved grassland and scrub; and
- planting of native species

7.55 Further to the above, there are substantial areas of land not identified specifically for habitat management that can be soft landscaped and planted with native species i.e. all of the land within the plan at Appendix 2 of the Ecological Appraisal (Ascerta – July 2015) that is not coloured and does not relate to the road, car parking and apartment blocks.

7.56 A robust landscaping scheme can be secured by the local planning authority at the reserved matters stage. A planted buffer could be provided to the Tesco development and the existing woodland would be retained and managed.

7.57 In terms of usable outdoor space, the grounds within which the apartment blocks would be managed in perpetuity by a management company for use by future residents. All of the ground floor apartments would benefit from direct access to the grounds with the upper floors having balconies and two top floor flats having a roof garden. Furthermore, future residents would enjoy easy and convenient access to the canal towpath and the numerous recreational opportunities within the immediate area of the site. The Council's point in relation to external space is not understood given that it is not made within the context of residential amenity.

Lack of permeability between the site and Whaley Bridge town centre

7.58 The appeal site is located within the confines of the settlement boundaries of Whaley Bridge. It is within close proximity of key services and public transport including the following:

- a range of bus services with a stop directly adjacent to the site to the north that provides direct and regular services to Chinley, Chapel-en-le-Frith and Buxton with connections to Whaley Bridge train station and town centre (no. 189 and no. 190);
- the Peak Forest Canal is directly adjacent to the appeal site and this not only provides a range of recreational opportunities but also direct and convenient pedestrian access into Whaley Bridge town centre;
- Tesco superstore, immediately adjacent to the appeal site, which provides a wide range of goods for sale;

- a wide range of shops and key services, such as GP services, within Whaley Bridge town centre (approx. 450m walking distance);
- Whaley Bridge train station which provides direct and regular services between Buxton and Manchester (approx. 550m walking distance).

7.59 The suitability of the area for residential development is acknowledged by the Council through Policy DS10 of the emerging local plan, which seeks to allocate 75 dwellings on land to the opposite side of the River Goyt at Bingswood Industrial Estate.

7.60 The provision of direct access onto the canal towpath through the western side of the site has been explored and discounted. Firstly, the canal embankment is prohibitive of such an access link being made due to the sloping nature of the embankment. Secondly, we understand from previous discussions that the Appellant's architect has carried out that that such an approach would not supported by the Canals and Rivers Trust. Instead, future residents would simply access the canal towpath via the steps directly opposite the entrance into the appeal site. See the photograph of the steps to the canal towpath at **EP18**.

Summary

7.61 The proposed development is precisely the same as that previously approved by the Council in terms of siting, scale, massing and layout. There has been no change in the planning policy context or the site context in the period between July 2013 when HPK/2013/0268 was granted planning permission and now. The Council was highly supportive of the design concept for the extant planning permission, which was the product of extensive negotiation.

7.62 The appeal proposal introduces changes to the external appearance relative to HPK/2013/0268 that would ensure the development better integrates with the surrounding area. The positive and active frontages proposed through the residential development would enhance the character of the area and the canalside setting in particular.

7.63 The proposed development is fully compliant with the provisions of Policies GD4 and H11 of the adopted local plan, the High Peak Residential Design Guide SPD and Draft Policy EQ5 of the emerging local plan. It would reinforce local distinctiveness and is fully compliant with the provisions of the NPPF.

Amenity

- 7.64 Paragraphs 7.34 to 7.39 of the Council's Committee report addresses residential amenity. The Council's concerns relate to a loss of privacy and unacceptable outlook for future residents.

Loss of privacy

- 7.65 Paragraphs 7.35 to 7.37 of the Council's Committee report indicates loss of privacy for future residents as a result of views into the proposed apartment blocks from the canal towpath. Paragraph 7.38 of the Council's Committee report indicates the Council's concerns about loss of privacy as a result of views from people occupying canalboats.
- 7.66 Firstly, the presence of such windows and balconies within the side elevation of apartment Block B and the rear elevation of apartment Block A provides positive and active frontages onto the canalside. It would enhance the setting of the canal towpath and the canalside setting and would encourage people to use the canal for recreational activities e.g. walkers and joggers using the towpath as a result of natural surveillance, which is currently absent. The Council gives no weight to such benefits.
- 7.67 It is typical for apartment blocks and new housing development to front directly onto public parks, roads and publically accessible areas such as canal towpaths. Indeed, as indicated above the provision of habitable windows in close proximity to canal towpaths is widely acknowledged to represent '*best practice*' in providing much-needed natural surveillance and activity to the canalside.
- 7.68 The relationship between the canal and the proposed apartment blocks would allow for fleeting views into the proposed windows only. With people using the canal towpath walking or jogging in a north-south direction, it is not considered that there will be direct overlooking to such an extent as to be considered unacceptable for the amenity of future residents. Furthermore, due consideration must be given to the intervening vegetation that provides screening.
- 7.69 It is not considered that the potential for overlooking of the proposed apartments warrants the refusal of planning permission.

Loss of outlook

- 7.70 The Committee report raises concern about the outlook that would be afforded to certain future occupiers of Block A and Block B with due regard for the relationship of the rear elevation of these buildings to the canal towpath in the case of the former and the Tesco access road in the case of the latter. The Council does not raise any concern with regard to potential impacts on overshadowing or loss of light.
- 7.71 Blocks A and B would be sited at a lower level than the canal towpath in the case of the former and the Tesco access road in the case of the latter. Cross-section drawings showing the relationship between B and the sloping nature of the land to the Tesco access road are shown on the drawings submitted with the planning application (side elevation drawings on drawing 0932-S-02C). A further cross-section drawing for Block A, prepared by Maybin Architectural Design, is at **EP20**. The canal towpath is sited approximately 10.5m away from the rear elevation of Block A whilst the access road is sited approximately 13m away from the rear elevation of Block B.
- 7.72 Future occupiers of the ground floor apartments for both blocks would enjoy an attractive and pleasant outlook. Their views to the rear elevation would be of soft landscaped grounds in the form of grassland, shrub planting and trees. The level of detail for the soft landscaping of the site can be agreed via an appropriately worded planning condition. Indeed, future occupiers would enjoy an attractive overall setting with access to the riverside to the east and improved woodland and pond within the southern section of the site (see the separately submitted ecology report), together with direct and easy access to the canal towpath.
- 7.73 The proposed two-bedroom apartments are not intended to be occupied by families and future occupiers would not anticipate the same level of outlook that a suburban dwelling house may perhaps provide. Given the relationship of the proposed flats to the canal towpath in the case of Block A and the Tesco access road in the case of Block B, together with the point that their outlook would be of attractive soft landscaped grounds, it is not considered that impact on the outlook of future occupiers of the proposed apartments warrants the refusal of planning permission.

8. Sustainable development

- 8.1 The proposed development should be determined in accordance with the presumption in favour of sustainable development. Paragraph 7 of the NPPF notes that sustainable development has three roles relating to the economic, social and environmental dimensions.
- 8.2 With regard to the economic role, the proposed development would result in both direct and indirect benefits that include the creation of construction jobs and additional spending within the wider economy (e.g. on household goods/services).
- 8.3 Turning to the social role, the proposed development would provide much-needed quality and quantity to the local housing market. The provision of housing attracts particularly substantial weight in the decision-making process given the significant unmet housing needs across the Borough and the need to boost housing land supply regardless of the position on five-year housing land supply. A proportion of the appeal scheme would comprise affordable housing that would help to address the very significant affordable housing needs across the Borough.
- 8.4 The appeal proposal would enhance the setting of the canalside through the incorporation of active and positive frontages that provide much-needed natural surveillance. The proposal would encourage pedestrians, joggers and boaters to use the canal as a recreational facility and would provide a much more desirable and safe setting.
- 8.5 With regard to the environmental role, the site is located within the established settlement boundaries and it is highly accessible to key services and public transport options and allow opportunities for residents to reduce reliance on the car. The proposed development would be seen within the context of the existing built development and we have not identified any environmental harm as a result of the proposal that would outweigh the benefits associated with the proposal. Indeed, the proposal would enhance the ecological value of the site through the better management of the woodland and the re-creation of a redundant pond. The release of this site for housing is sequentially preferable to other more sensitive open countryside sites that will need to come forward in order to satisfy the Borough's unmet and future housing needs that includes Green Belt release within 2km of the appeal site.
- 8.6 With due regard for the points outlined above, the proposed development comprises sustainable development for the purposes of the NPPF.

9. Summary and conclusions

- 9.1 We have provided a summary of our points through the Executive Summary chapter of this Statement (Section 1). The proposed development comprises sustainable development for the purposes of paragraph 14 of the NPPF and planning permission should therefore be granted without delay.

10. Appendices

EP1 – Approved plans and Inspector's decision and costs award letters for HPK/2012/0087 and APP/H1033/A/12/2187670

EP2 – Approved plans for HPK/2013/0300

EP3 – Approved plans for HPK/2013/0268

EP4 - Officer's report for HPK/2013/0268

EP5 – Condition discharge letters for HPA/2004/0590

EP6 – Condition discharge letters for HPK/2013/0268

EP7 – Draft Policy H1 as consulted upon at Main Modifications stage of emerging local plan

EP8 – Wardell Armstrong Landscape Appraisal of Appeal Site

EP9 – Ministerial Statement October 2015 (Brandon Lewis MP)

EP10 – Appeal decision letter APP/H1033/A/13/2204114 (Dinting Road, Glossop)

EP11 - Appeal decision reference APP/Y2810/A/14/2225722 (Moulton)

EP12 - Appeal decision reference APP/Y2810/A/14/2228921 (Weedon Bec)

EP13 - Appeal decision reference APP/H1033/A/02/1087162 (Davenham)

EP14 - Assurance versus North Lincolnshire Council Judgement

EP15 – Photographs of the surrounding built form including Bingswood Industrial Estate and the Tesco development

EP16 – Photograph of the towpath and underbridge adjacent to the appeal site

EP17 – Council's Design and Conservation Officer comments

EP18 – Steps to the canal towpath opposite the appeal site

EP19 – Emery Planning 5-year supply statement and subsequent letter to the High Peak Local Plan EIP (February 2015 and September 2015)

EP20 – Cross-section drawings of Block A to land at the canal towpath at the rear