



Proof of evidence of Ben Pycroft in relation to housing land supply

Outline application for six detached houses at Land at
Manchester Road, Tunstead Milton, High Peak, SK23 9UH

for Mr Garie Bevan

PINS ref: APP/H1033/W/16/3147726

LPA ref: HPK/2015/0351



Project : 14-148
Site address : Land at Manchester
Road, Tunstead Milton,
High Peak, SK23 9UH
Client : Mr Garie Bevan
Date : 06 November 2016
Author : Ben Pycroft

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1. Introduction

- 1.1 This proof of evidence is submitted on behalf of Mr Garie Bevan (the Appellant) in support of his appeal against the decision of High Peak Borough Council to refuse to grant outline planning permission for the erection of six detached dwellings at land at Manchester Road, Tunstead Milton, High Peak, SK23 9LH (LPA ref: HPK/2015/0351).
- 1.2 This proof of evidence specifically addresses matters relating to housing land supply. It should be read alongside the proof of evidence prepared by Mr Gascoigne, which deals with all other planning matters.

Qualifications

- 1.3 I am Benjamin Michael Pycroft. I have a B.A. (Hons) and postgraduate diploma in Town Planning from the University of Newcastle-upon-Tyne and am a member of the Royal Town Planning Institute. I am an Associate Director of Emery Planning, based in Macclesfield, Cheshire.
- 1.4 I have experience in dealing with housing supply matters and have prepared and presented evidence relating to five year housing land supply calculations at a number of Local Plan examinations and public inquiries.
- 1.5 The evidence which I have prepared and provide for this appeal (reference APP/H1033/W/16/3147726) is true and has been prepared and given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinion.
- 1.6 I provide a separate summary and set of appendices. I also refer to a number of Core Documents, including those relating to the Council's housing land supply position and the examination of the High Peak Local Plan.

Proposition

- 1.7 To address the case on behalf of the Appellant, this proof of evidence sets out the proposition that the Council cannot demonstrate a five year housing land supply against its requirement as required by paragraph 47 of the NPPF. The implication of this and all other planning matters are dealt with by Mr Gascoigne.

2. The appeal proposal

- 2.1 Details of the appeal proposal are set out in the appeal documents. Details of the site and area description are also set out in the Statement of Common Ground.
- 2.2 In summary, the appeal application is for outline planning permission for the erection of six detached dwellings with associated access off Manchester Road. All other matters (appearance, landscaping, layout and scale) are reserved. An illustrative layout was submitted as part of the appeal application.

The appeal application

- 2.3 The appeal application was submitted on 17th June 2015. It was validated on 30th June 2016 and given the reference: HPK/2015/0351. The application was determined under delegated powers. It was refused for three reasons. The decision notice is dated 9th October 2015 (**core document CD1.1**).
- 2.4 For the purposes of this proof of evidence, it is of note that at the time the application was determined, the Council accepted that it could not demonstrate a deliverable five year supply of housing land in accordance with paragraph 47 of the NPPF. This is set out in the delegated report (**core document CD1.2**). The Council's position has since changed as set out in the Council's statement of case (**core document CD1.14**).

3. Planning policy context

- 3.1 This section sets out the relevant planning policy context, which is referred to later in this proof of evidence.

National planning policy and guidance

National Planning Policy Framework (NPPF)

- 3.2 The NPPF was published in March 2012. In relation to housing land supply, the following sections are relevant.
- 3.3 Paragraph 47 of the NPPF states:

"To boost significantly the supply of housing, 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, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*
- identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land"*

- 3.4 Footnote 11 of the NPPF states:

"To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans."

3.5 Paragraph 48 of the NPPF states that:

“local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens”.

Planning Practice Guidance (PPG)

- 3.6 The PPG was published in March 2014. It contains guidance on housing and economic land availability assessments at section 3, which is referred to later in this proof of evidence.

Development plan context

- 3.7 The development plan comprises the High Peak Local Plan (HPLP, adopted April 2016, core document **CD2.1**) and the few policies of the previous version of the High Peak Local Plan (adopted 2005), which were saved beyond 2008 and have not been superseded by the new Local Plan.
- 3.8 The conformity of the appeal proposal with the development plan is dealt with by Mr Gascoigne.

Other material considerations

Strategic Housing Land Availability Assessment (SHLAA)

- 3.9 The Strategic Housing Land Availability Assessment (SHLAA) was prepared by Ekosgen and Arup for High Peak Borough Council, Derbyshire Dales District Council and the Peak District National Park Authority and was published in June 2009. It was updated in 2014.

Strategic Housing Market Assessment (SHMA)

- 3.10 The Peak Sub Region Strategic Housing Market Assessment (SHMA) was completed in December 2008 to help identify key issues and solutions to housing in the area. The study covers High Peak, Derbyshire Dales and the remaining parts of Peak District National Park, within Derbyshire.

- 3.11 An updated SHMA for High Peak and Staffordshire Moorlands was prepared by Nathaniel Lichfield & Partners. This was published in April 2014. The High Peak Housing Needs Study 2012-based Sub National Household Projections was also prepared by NLP in May 2015.

Housing Monitoring Reports

- 3.12 The following housing monitoring reports are relevant to this appeal and are included as core documents:

- 2011 Monitoring Report (core document **CD5.1**);
- 2012 Monitoring Report (core document **CD5.2**);
- 2013 Monitoring Report (core document **CD5.3**);
- 2014 Monitoring Report (core document **CD5.4**);
- 2015 Monitoring Report (core document **CD5.5**);
- March 2016 Monitoring Report (core document **CD5.6**); and
- September 2016 Monitoring Report (core document **CD5.7**).

Housing trajectories

- 3.13 The following housing trajectories are relevant to this appeal and are included as core documents:

- Housing trajectory 31st March 2015 (core document **CD3.5**);
- Draft housing trajectory 31st March 2016 (core document **CD5.9**); and
- Housing trajectory 30th September 2016 (core document **CD5.11**).

Council's housing land supply positions

- 3.14 The following documents set out what the Council considered the housing land supply position to be on specific dates and are included as core documents:

- Housing position 31st March 2015 (core document **CD3.6**);

- Housing position 31st March 2016 (core document **CD5.8**); and
- Housing position 30th September 2016 (core document **CD5.10**).

4. High Peak Borough Council's five year housing land supply

Position at 1st April 2015

4.1 The Council's position at 1st April 2015 was that it could demonstrate a five year deliverable supply of housing land equating to 6.2 years. This was based on the following:

- a base date of 1st April 2015 and a five year period of 1st April 2015 to 31st March 2020;
- an annual requirement of 350 dwellings and a five year requirement of 1,750 dwellings (i.e. 350 X 5 years);
- a backlog accrued between 1st April 2011 and 31st March 2015 of 918 dwellings, which is to be addressed over the plan period to 2031 (i.e. the 'Liverpool' method);
- a total five year requirement of 2,037 dwellings (i.e. 1,750 plus a proportion of the backlog equating to 287 dwellings);
- a 20% buffer must also be demonstrated to provide a realistic prospect of achieving the five year requirement, which means the total supply that the Council must demonstrate would equate to 2,444 dwellings (i.e. 2,037 plus 20%); and
- a five year supply of 3,036 dwellings.

4.2 This position is summarised in the following table:

Table 1: High Peak Council's Five Year Housing Land Position at 1st April 2015

	Requirement	
A	Net annual requirement (2011 to 2031)	350
B	Five year requirement (A x 5 years)	1,750
C	Backlog 2011 to 2015	918
D	Backlog to be made up in five years (C / 16 years X 5 years)	287
E	Total five year requirement (B+D)	2,037
F	Buffer (20% of E)	407
G	Five year supply that must be demonstrated (E + F)	2,444
H	Annual average (G / 5 years)	489
	Supply	
H	Five year supply from 1 st April 2016 to 31 st March 2021	3,036
I	Five year supply (H/G)	6.20

Documents submitted to the Local Plan examination

4.3 The Council submitted the following documents to the Local Plan Examination after the resumed hearing session had taken place on 3rd September 2016:

- X10 – Council's Post Hearing Housing Trajectory (16th September 2015);
- X11 – Council's 5 Year Land Supply March 2015 (11th September 2015); and
- X12 – Council's 5 Year Housing Supply Justification (11th September 2015).

4.4 These documents are relevant to this proof of evidence and are core documents **CD3.5**, **CD3.6** and **CD3.7**.

Inspector's report (core document CD3.1)

4.5 The Local Plan Inspector reported on the position regarding the five year supply in paragraphs 49 to 63 of his report. At paragraph 63, the Local Plan Inspector concluded:

"I am satisfied that on adoption there would be a reasonable prospect that the Plan would result in an appropriate supply of sites to provide 5 years worth of housing in accordance with the Framework."

4.6 At paragraph 64, the Local Plan Inspector made the following comments in relation to the trajectory:

*"In accordance with the Framework, the LP illustrates the expected rate of housing delivery through a housing trajectory. A detailed version of this has been updated during the course of the examination alongside the 5-year land supply. It includes the allocated sites in the Plan. The Council's suggested main modification (**MM106**) proposes to substitute the revised trajectory for that in the LP. This is necessary to ensure that it is consistent with all the other modifications relating to sites. The amended trajectory is based on evidence as at September 2015. It has been suggested in representations on the main modifications that it should be revised further in the light of events that have occurred since this date, particularly where some sites are not being developed at the anticipated rate. However, the trajectory is inevitably based on information at a particular point in time. It is more important that the Council monitors development against the trajectory (and the 5-year land supply requirement) in a comprehensive way having regard to progress on all sites. As such, further changes to the trajectory are not necessary for soundness." (My emphasis)*

4.7 Following receipt of the Inspector's report, the HPLP was then adopted with the amended trajectory as set out in document X10 (core document CD3.5).

- 4.8 Despite only being adopted 6 months ago, the trajectory in the HPLP (core document CD2.1, Appendix 2, page 217) is out of date. This can be evidenced as follows.
- 4.9 Firstly, the trajectory assumes that 301 dwellings would be completed in 2015/16. The data available now reveals that the number of completions recorded in that year was just 160 i.e. just over half (53%) of what the Council claimed it would be to the Local Plan Inspector.
- 4.10 Part of the reason why the anticipated level of completions was not achieved was because the Council's evidence to the Local Plan Inspector claimed that six large sites with planning permission would deliver 190 dwellings in 2015/16. According to the Council's completions data, these sites only delivered 80 dwellings as shown in the following table:

Table 2: Breakdown of completions 2015/16 against trajectory

Source	No. of dwellings in trajectory for 2015/16	No. of actual completions 2015/16	Difference
Manchester Road (Barratt)	30	25	-5
Forge Works	30	0	-30
Federal Mogul	40	55	15
Long Lane South	30	0	-30
Graphite Way	30	0	-30
Manchester Road	30	0	-30
Total	190	80	-110

- 4.11 Secondly, the trajectory in the HPLP assumes that there will be 623 dwellings delivered in the current year (2016/17). This is completely unrealistic. Even the Council's evidence considers that 238 dwellings were delivered in the six month period between 1st April and 30th September 2016 and only a further 273 dwellings in the remaining six month period to 31st March 2017. Whilst I disagree, for a number of reasons as I set out later in this proof of evidence (including a series of double counting errors made by the Council), even if this were correct, it would mean 511 dwellings in the year 2016/17, not 623.
- 4.12 Whilst I provide detailed comments on individual sites are provided later in this proof of evidence, it is apparent that the Council's trajectory, which was submitted to the Local Plan Inspector

claimed a number of sites would be delivering by now when in reality they have still not been sold to a developer and only have outline consent. These sites are set out in the following table:

Table 3: Sites in the Council's trajectory presented to the Local Plan Inspector that have made no progress

Source	No. of dwellings in trajectory for 2016/17	Comments
Glossop Road	13	The site only has outline permission. It has not been sold to a developer. The site would need to be cleared first. No dwellings will be delivered in 2016/17.
Woolley Bridge	31	Outline permission expired. No dwellings will be delivered in 2016/17.
Waterswallows	30	Permission was granted over 10 years ago for 12 dwellings. Only 20 dwellings can be delivered before a link road is constructed. No dwellings will be delivered in 2016/17.
Hallsteads (80)	30	The site only has outline permission. It has not been sold to a developer. No dwellings will be delivered in 2016/17.
Marsh Lane	15	This site has had planning permission for 22 years. There is a new application pending determination. It will not deliver any dwellings in 2016/17.
Dinting Road	30	The site only has outline permission. It has not been sold to a developer. No dwellings will be delivered in 2016/17.
Graphite Way	14	The site only has outline permission. It has not been sold to a developer. No dwellings will be delivered in 2016/17.
Burlow Road	25	The site only has outline permission. It has not been sold to a developer. No dwellings will be delivered in 2016/17.
Foxlow Farm	25	The site only has outline permission. It has not been sold to a developer. No dwellings will be delivered in 2016/17.
Macclesfield Road	30	The site only has outline permission. It has not been sold to a developer. No dwellings will be delivered in 2016/17.
Total	243	

4.13 Further, there has been no progress on a number of the allocations, which the Council claimed would start delivering in 2016/17 as set out in the following table:

Table 4: Progress on allocated sites

Source	No. of dwellings in trajectory 2016/17	Comments
C7 – Woodside Street	7	An application has not been submitted
C13 – Buxton Road, Chinley	7	An application has not been submitted
B6 – Hardwick Square South	7	An application has not been submitted
B8 – West of Tongue Lane	7	An application has not been submitted
Total	28	

4.14 Consequently, the trajectory in the HPLP is already clearly out of date. This justifies a comprehensive review of all of the sites in the Council's five year housing land supply. In addition, the Council has revised its housing land supply position and trajectory, as I discuss below.

Council's position at 1st April 2016

4.15 I wrote to the Council on 9th May 2016 to request information regarding housing land supply. A copy of my letter is appended at **EP1A**.

4.16 The Council initially responded on 18th May 2016 to state that it would provide the information I had requested and this would be accompanied evidence as required to do so by the PPG. A copy of the Council's initial response is appended at **EP1B**.

4.17 On 30th June 2016 and provided the following documents, which are relevant to this proof of evidence:

- 2011 Monitoring Report (core document **CD5.1**);
- 2012 Monitoring Report (core document **CD5.2**);
- 2013 Monitoring Report (core document **CD5.3**);
- 2014 Monitoring Report (core document **CD5.4**);
- 2015 Monitoring Report (core document **CD5.5**);

- March 2016 Monitoring Report (core document **CD5.6**);
- Housing trajectory – March 2016 (core document **CD5.9**); and
- Housing Land Supply Position – March 2016 (core document **CD5.8**).

4.18 The Council's position at 1st April 2016 was that it could demonstrate a five year deliverable supply of 6.1 years. This is based on the following:

- a base date of 1st April 2016 and a five year period of 1st April 2016 to 31st March 2021;
- an annual requirement of 350 dwellings and a five year requirement of 1,750 dwellings (i.e. 350 X 5 years);
- a backlog accrued between 1st April 2011 and 31st March 2016 of 1,108 dwellings, which is to be addressed over the plan period to 2031 (i.e. the 'Liverpool' method);
- a total five year requirement of 2,119 dwellings (i.e. 1,750 plus a proportion of the backlog equating to 369 dwellings);
- a 20% buffer must also be demonstrated to provide a realistic prospect of achieving the five year requirement, which means the total supply that the Council must demonstrate would equate to 2,543 dwellings (i.e. 2,037 plus 20%); and
- a five year supply of 3,108 dwellings.

4.19 This position is summarised in the following table:

Table 5: Council's housing land supply position at 1st April 2016

	Requirement	
A	Net annual requirement (2011 to 2031)	350
B	Five year requirement (A x 5 years)	1,750
C	Backlog 2011 to 2016	1,108
D	Backlog to be made up in five years (C / 15 years X 5 years)	369
E	Total five year requirement (B+D)	2,119
F	Buffer (20% of E)	424
G	Five year supply that must be demonstrated (E + F)	2,543
H	Annual average (G / 5 years)	509
	Supply	
H	Five year supply from 1 st April 2016 to 31 st March 2021	3,108
I	Five year supply (I/G)	6.11

Council's current position (at 30th September 2016)

4.20 Following the submission of a draft statement of common ground to the Council in relation to housing land supply, the Council informed my colleagues on 4th October 2016 that at another appeal hearing (for 3 dwellings on a Green Belt site) the Inspector had adjourned the proceedings to allow the Council to update its position at 30th September 2016. The Council stated that the latest evidence would be available on 17th October 2016. My colleague was sent the following documents on 17th October 2016:

- Adopted 5 year supply position at 30th September 2016 (core document **CD5.10**);
- Completions 31st March 2016 to 30th September 2016;
- Monitoring report 30th September 2016 (core document **CD5.7**); and
- Housing Trajectory 30th September 2016 (core document **CD5.11**).

4.21 The Council's position at 30th September 2016 is that it can demonstrate a five year deliverable supply of 7 years. This is based on the following:

- a base date of 30th September 2016 and a five year period of 1st October 2016 to 30th September 2021;
- an annual requirement of 350 dwellings and a five year requirement of 1,750 dwellings (i.e. 350 X 5 years);
- a backlog accrued between 1st April 2011 and 30th September 2016 of 1,045 dwellings, which is to be addressed over the plan period to 2031 (i.e. the 'Liverpool' method);
- a total five year requirement of 2,110 dwellings (i.e. 1,750 plus a proportion of the backlog equating to 360 dwellings);
- a 20% buffer must also be demonstrated to provide a realistic prospect of achieving the five year requirement, which means the total supply that the Council must demonstrate would equate to 2,532 dwellings (i.e. 2,110 plus 20%); and
- a five year supply of 3,544 dwellings.

4.22 This position is summarised in the following table:

Table 6: Council's housing land supply position at 30th September 2016

	Requirement	
A	Net annual requirement (2011 to 2031)	350
B	Five year requirement (A x 5 years)	1,750
C	Backlog 1 st April 2011 to 30 th September 2016	1,045
D	Backlog to be made up in five years (C / 14.5 years X 5 years)	360
E	Total five year requirement (B+D)	2,110
F	Buffer (20% of E)	422
G	Five year supply that must be demonstrated (E + F)	2,532
H	Annual average (G / 5 years)	506
	Supply	
H	Five year supply from 1 st October 2016 to 30 th September 2021	3,544
I	Five year supply (I/G)	7.00

4.23 As can be seen by comparing tables 5 and 6 above, whilst the requirement side of the equation remains around the same (i.e. 506 dwellings p.a.), the Council claims that it has increased its supply by almost a year (6.1 years to 7 years) in the last six months. I have identified a series of errors in the Council's data, which indicates that it has double counted dwellings. However, part of the reason why the Council claims its supply has increased is because it has shortened the lead in times and increased build rates on sites since its previous position. This is surprising as many of the sites have made no progress since 1st April 2015, let alone in the last six months, yet the Council now considers that these sites will deliver more dwellings in the five year period.

4.24 My assessment of the Council's five year supply position is set out below.

5. Assessment of the Council's housing supply

5.1 My assessment of the Council's five year housing land supply is based on six key stages:

1. Agreeing the base date and five year period;
2. Identifying the housing requirement;
3. Identifying the accumulated backlog;
4. Identifying the method of addressing the backlog;
5. Applying the appropriate buffer; and
6. Identifying a Realistic and Deliverable Supply.

5.2 Each stage is addressed below.

6. Stage 1: Agreeing the base date and five year period

- 6.1 The base date is the start date for the five year period for which both the requirement and supply should relate.
- 6.2 The Council's most recent position has a base date of 30th September 2016. The five year period is therefore 1st October 2016 to 30th September 2021.

7. Stage 2: Identifying the housing requirement

Policy

7.1 Paragraph 47 of the NPPF states:

“to boost significantly the supply of housing, 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, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*
- identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements...”*

Guidance

7.2 Paragraph 030 (Reference ID: 3-030-20140306) of the PPG: “What is the starting point for the five-year housing supply?” states:

“The National Planning Policy Framework sets out that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements. Therefore local planning authorities should have an identified five-year housing supply at all points during the plan period. Housing requirement figures in up-to-date adopted Local Plans should be used as the starting point for calculating the five year supply. Considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs.

Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints. Where there is no robust recent assessment of full housing needs, the household projections published by the Department for Communities and Local Government should be used as the starting point, but the weight given to these should take account of the fact that they have not been tested (which could evidence a different housing requirement to the projection, for example because past events that affect the projection are unlikely to occur

again or because of market signals) or moderated against relevant constraints (for example environmental or infrastructure)."

Assessment

- 7.3 Policy S 3 of the HPLP states that the Council will make provision for at least 7,000 dwellings over the period 2011-2031 at an overall average development rate of 350 dwellings.
- 7.4 On the basis set out in paragraph 3-030 of the PPG, 350 dwellings per annum should be used to assess the Council's housing land supply against. This means that the starting position (i.e. before any of the backlog is addressed or a buffer applied) is that the five year requirement is 1,750 dwellings (i.e. 350 X 5 years).

8. Stage 3: Identifying the accumulated backlog

- 8.1 Against the Local Plan requirement of 350 dwellings p.a., the Council claims that its backlog is 1,045 dwellings based on the calculation set out in the following table:

Table 7: Council's calculation of accumulated backlog since 2011

Year	Requirement (net dwellings p.a.)	Completions (net)	Over / under provision
2011/12	350	102	-248
2012/13	350	207	-143
2013/14	350	36	-314
2014/15	350	137	-213
2015/16	350	160	-190
01/04/16 to 30/09/16	175	238	63
Total	1925	880	-1045
Average	350	160	

- 8.2 I do not agree. I conclude that the accumulated backlog is slightly higher due to a series of errors in the completions data for the period 1st April to 30th September 2016. I discuss this below.

Completions 1st April 2015 to 31st March 2016

- 8.3 It is of note that the Council only delivered 160 net new dwellings in the last full monitoring year (2015/16). This is significantly below the 301 dwellings the Council claimed it would deliver in 2015/16 to the Local Plan Inspector. It is also significantly below the annual requirement (350 dwellings p.a.). Consequently, rather than addressing any of the backlog, the backlog increased by a further 190 dwellings.

Completions 1st April 2016 to 30th September 2016

- 8.4 The Council claims that 238 dwellings were delivered in just 6 months; more than the total number of completions in the whole year 2015 to 2016. This is not correct. Firstly, on a number of small sites the Council has counted the completions in both 2015/16 and the six month period 1st April to 30th September 2016 or not taken into account the fact that dwellings already existed on the site. This results in the following deductions:

Table 8: Deductions made to completions data

Application no.	Address	No. of completions 01/04/16 – 30/09/16	Discount	Reason for discount
2015/0070	22A Charlestown Road	1	1	No net gain – loss of existing flat not recorded
2014/0182	Brookside bungalow, Lambgates	6	3	Double counting – 3 of the total 6 units already included in 2015/16 figures
2011/0087	14 The Laurels	2	1	Double counting – 1 of the total 2 units already included in 2015/16 figures
2012/0415	Devonshire Arms	3	1	Loss of existing dwelling not recorded
2013/0420	26 St Johns Road	8	7	Net gain of 1 as 7 units already existed
2010/0347	20 High Street	3	1	Loss of existing dwelling not recorded
2011/0533	25 March Lane	1	1	No net gain – loss of existing dwelling not recorded
2011/0611	Reddish Farm	5	1	Double counting – 1 of the total 5 units already included in 2015/16 figures
2013/0048	36 Market Street	2	1	Net gain of 1 as existing dwelling converted into 2 dwellings
2014/0505	73 Market Street	3	1	Loss of existing dwelling not recorded
Total			17	

8.5 Secondly, the Council's completion data is incorrect on two large sites in Chapel-en-le-Frith known as "Octavia Gardens" and "Beckett's Brow". Both sites are being developed by Barratt Homes. According to the Council's data, the following completions have occurred:

Table 9: Council's completion data for Octavia Gardens and Becketts Brow

	2014/15	2015/16	01/04/16 to 30/09/16	Total
Octavia Gardens (Manchester Road, Chapel)	0	25	33	58
Becketts Brow (Federal Mogul, Chapel)	11	55	55	121

- 8.6 On 21st October 2016, I asked Barratt Homes to confirm the position. They confirmed in an e-mail on the same day (appended at **EP2**) that the Council's data was incorrect and the following completions had taken place:

Table 10: Actual completions at Octavia Gardens and Becketts Brow

	2014/15	2015/16	01/04/16 to 30/09/16	Total
Octavia Gardens	0	33 (+8)	33 (-1)	65 (+7)
Becketts Brow	14 (+3)	60 (+5)	22 (-33)	96 (-25)

- 8.7 In addition to correcting the Council's completion data, it is important to know how many units remain as the Council has incorrectly assumed that many more dwellings are left to be built on these sites in the five year period. I discuss these sites later in my proof of evidence. However, in terms of calculating the accumulated backlog, my position is set out in the table below:

Table 11: Appellant's calculation of accumulated backlog since 2011

Year	Requirement (net dwellings p.a.)	Completions (net)	Over / under provision
2011/12	350	102	-248
2012/13	350	207	-143
2013/14	350	36	-314
2014/15	350	140	-210
2015/16	350	173	-177
01/04/16 to 30/09/16	175	203	28
Total	1925	780	-1064
Average	350	142	

8.8 The accumulated backlog is substantial and equates to over three years of need, which has not been met (i.e. $1,064 / 350 = 3.04$).

9. Stage 4: Identifying the method of addressing the backlog

- 9.1 The Council seeks to address the backlog over the remainder of the plan period to 2031. This is known as the 'Liverpool' method. This is despite the Council's claim that it has a supply which could in fact address the shortfall in full in the next five years (i.e. the 'Sedgefield' method) as set out in the following table:

Table 12: Council's Supply Position based on Sedgefield

A	Five year requirement (350 X 5)	1,750
B	Backlog 1 st April 2016 to 30 th September 2016	1,064
C	Total five year requirement (A + B)	2,814
D	Annual average (C / 5 years)	563
E	Buffer (20% of C)	563
F	Total supply that needs to be demonstrated (C + E)	3,377
G	Five year supply 1 st October 2016 to 30 th September 2021	3,544
H	Five year supply	5.25

- 9.2 Rather than seeking to address the backlog in full in the five year period however, the Council continues to use the Liverpool approach, which is the only reason why it claims that its supply is as high as 7.0 years.
- 9.3 The NPPF does not specifically state how the backlog should be addressed. However, it did introduce a requirement to "boost significantly" the supply of housing (paragraph 47), and importantly the backlog is a shortfall in supply which exists at the start of the five year requirement – so to defer addressing it until the end of the plan period makes little sense in the light of paragraph 47. Addressing the backlog as soon as possible would however be consistent with this paragraph.
- 9.4 Paragraph 3-035 of the PPG (Reference ID: 3-035-20140306): "How should local planning authorities deal with past under-supply?" provides further guidance. It states:

"Local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible. Where this cannot be met in the first 5 years, local planning authorities will need to work with neighbouring authorities under the 'Duty to Cooperate'."

- 9.5 Consequently, the PPG is clear that Local Planning authorities should aim to deal with the backlog within five years. Whilst the PPG does appear to recognise that there may be circumstances when this is not possible, it does not suggest that the backlog should be addressed over any other period in those circumstances. Instead it states that local planning authorities will need to work with neighbouring authorities under the 'Duty to Co-operate', presumably with adjacent authorities looking to help to address the backlog by making immediate provision. The PPG does not endorse deferring addressing the issue for longer than five years.
- 9.6 There is therefore no support in either policy or guidance for the Council's approach to addressing the backlog through the 'Liverpool' methodology.
- 9.7 In his report, the Local Plan Inspector concluded that the 'Liverpool' method should be used because he did not consider that the completions required through the Sedgefield method could be realistically achieved in the short term. Paragraphs 52 to 54 of the Local Plan Inspector's report (**CD3.1**) state:

"52. There is a shortfall against the requirement in the early years of the Plan period 2011-15. The Council seeks to meet this past undersupply across the whole of the remaining Plan period (the 'Liverpool' method). However, the PPG indicates that, preferably, this should be dealt with in the first 5 years of the plan period where possible (the 'Sedgefield' method).

53. The shortfall is some 918 dwellings which represents more than 2.5 years supply in terms of the annual requirement over the plan period. Taking account of the buffer, to address this over the 5 year period would require an average building rate of 600 dpa. This has been approached in only one single year in the recent past – in 2006/07 when the housing market was buoyant and mill conversions contributed to the figure. If other sites without planning permission were brought into the supply there would be a lead time before they could deliver completions, meaning that the building rate in the latter part of the supply period would have to be materially higher. As such, it is difficult to see how the completions resulting from the Sedgefield method could be achieved in the short term. Even if the Liverpool method were to be used the completion rate over the remaining part of the plan period would be over 400 dpa which has only been exceeded in two years since 2001 and would therefore represent a marked and sustained increase on recent performance.

54. In the circumstances in High Peak therefore, I consider that the Liverpool method of meeting the shortfall should be used. It would result in a housing land supply that was both aspirational and realistic."

9.8 I comment as follows.

9.9 Firstly, as above, neither the NPPF nor the PPG state that the Liverpool method should be used in circumstances where the Sedgefield method would result in an unrealistic level of completions. The PPG is clear that where it is not possible to address the shortfall in the first five years, local planning authorities will need to work with neighbouring authorities under the 'Duty to Cooperate'. This has not happened in the High Peak.

9.10 Secondly, despite concluding that the annual level of completions under Sedgefield could not be achieved in the short term, the Local Plan Inspector went on to endorse the Council's revised housing trajectory put forward by main modification MM106. This indicated that an average of 607 dwellings per annum could be achieved over the five year period from 1st April 2015 as set out in the following table:

Table 13: Council's average completions based on the trajectory

2015/16	2016/17	2017/18	2018/19	2019/20	Total	Average
301	623	822	750	540	3,036	607

9.11 Consequently, whilst on the one hand the Local Plan Inspector concluded that completions under Sedgefield were unrealistic, on the other he accepted the Council's claims that such a level of completions could be achieved.

9.12 In my view, the trajectory in the adopted HPLP is completely unrealistic and this can now be evidenced by the current delivery on sites in the trajectory as discussed in subsequent sections of this proof of evidence. However, as far as the Inspector was concerned, the updated trajectory set out in MM106 was sound and on that basis the annual requirement under Sedgefield could be met. Again, this warrants a comprehensive review of the Council's claimed trajectory.

9.13 The Council's position is the same with its current trajectory. On the one hand it claims that the Liverpool method should be used and yet on the other, if the trajectory is correct, it would lead to completions in excess of 800 dwellings in 2017/18 (834) and 2018/19 (874).

9.14 Notwithstanding all of the above, I conclude that the Council cannot demonstrate a deliverable five year supply of housing land even if the Liverpool method is engaged. Using the

Liverpool approach, the amount of shortfall to be addressed in the five year period is 367 dwellings (i.e. 1,064 dwellings / 14.5 years X 5 years). However, I set out the position with both Sedgefield and Liverpool in my subsequent calculations.

10. Stage 5: Applying the appropriate buffer

Policy

10.1 Paragraph 47 of the NPPF states:

"To boost significantly the supply of housing, local planning authorities should:

- Identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land."*

10.2 It continues by stating:

"Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land".

Guidance

10.3 Paragraph 035 (Reference ID: 3-035-20140306) of the PPG: "How should local planning authorities deal with past under supply?" states:

"The approach to identifying a record of persistent under delivery of housing involves questions of judgment for the decision maker in order to determine whether or not a particular degree of under delivery of housing triggers the requirement to bring forward an additional supply of housing.

The factors behind persistent under delivery may vary from place to place and, therefore, there can be no universally applicable test or definition of the term. It is legitimate to consider a range of issues, such as the effect of imposed housing moratoriums and the delivery rate before and after any such moratoriums.

The assessment of a local delivery record is likely to be more robust if a longer term view is taken, since this is likely to take account of the peaks and troughs of the housing market cycle.

Local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible. Where this cannot be met in the first 5 years, local planning authorities will need to work with neighbouring authorities under the Duty to Cooperate".

Assessment

- 10.4 There has been persistent under delivery of housing in the High Peak and therefore the 20% buffer applies. This should be applied to both the base requirement and the backlog.
- 10.5 This is in accordance with the Local Plan Inspector's report, which confirms at paragraph 51 that the 20% buffer applies to the whole requirement.
- 10.6 Consequently, once the buffer has been applied, the Council needs to demonstrate a minimum supply of 2,540 dwellings as set out in the following table:

Table 14: Summary of the five year requirement and the supply that should be demonstrated

	Requirement	Liverpool	Sedgefield
A	Net annual requirement (2011 to 2031)	350	350
B	Five year requirement (A x 5 years)	1,750	1,750
C	Backlog 1 st April 2011 to 30 th September 2016	1,064	1,064
D	Backlog to be made up in five years	367	1,064
E	Total five year requirement (B+D)	2,117	2,814
F	Annual average (E / 5 years)	423	563
G	Buffer (20% of E)	423	563
H	Five year supply that must be demonstrated (E + G)	2,540	3,377
I	Annual average (G / 5 years)	508	675

11. Stage 6: Identifying a Realistic and Deliverable Supply

Policy

11.1 Footnote 11 of the NPPF states:

"To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans".

Guidance

11.2 Paragraph 3-031 of the PPG: "What constitutes a 'deliverable site' in the context of housing policy?" states:

"Deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within five years.

However, planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the five-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out. If there are no significant constraints (e.g. infrastructure) to overcome such as infrastructure sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a five-year timeframe.

The size of sites will also be an important factor in identifying whether a housing site is deliverable within the first 5 years. Plan makers will need to consider the time it will take to commence development on site and build out rates to ensure a robust five-year housing supply." (my emphasis)

11.3 Paragraph 3-033 of the PPG: "Updating evidence on the supply of specific deliverable sites sufficient to provide five years worth of housing against housing requirements" states:

"Local planning authorities should ensure that they carry out their annual assessment in a robust and timely fashion, based on up-to-date and sound evidence, taking into account the anticipated trajectory of housing delivery, and consideration of associated risks, and an assessment of the local delivery record. Such assessment, including the evidence used, should be realistic and made publicly available in an accessible format. Once published, such assessments should normally not need to be updated for a full twelve months unless significant new evidence comes to light or the local authority wishes to update its assessment earlier." (my emphasis)

Methodology

- 11.4 From the outset, it is surprising that despite the guidance contained within paragraphs 3-031 and 3-033 of the PPG, the Council has chosen not to publish any evidence to support the delivery rates on any of the sites it relies on to form its five year supply. This is particularly surprising given the following:
1. As set out above, the trajectory the Council presented in front of the Local Plan Inspector is out of date; and
 2. The Council stated that it would be providing evidence to support its revised position in an e-mail to me appended at **EP1B**.
- 11.5 In my view, the Council's evidence to support the delivery rates on all of the sites included within its five year supply should have been provided on 17th October 2016. However, no such evidence was published by the Council.
- 11.6 Without the evidence, it is unclear how the Council has formed conclusions on the delivery assumptions on sites in the supply, particularly for those without permission and for the many sites, which are not in control of a housebuilder and only have outline permission. The Council appears to have made no allowance for the following to take place:
- The site sold to a developer;
 - Application(s) for reserved matters to be made, considered and approved;
 - Application(s) for the discharge of conditions to be made, considered and approved;
 - A start on site made, including demolition (if required);
 - Infrastructure put in place; and

- The first dwellings constructed.

11.7 These steps can take a long time in High Peak. I have reviewed those large sites, which were under construction at the base date and make the following comments in terms of timescales:

Table 15: Large sites in High Peak under construction at 30th September 2016

Site address	Capacity	Comments
Chapel Street, Glossop	36	The site has had outline planning permission since 13 th November 2012 and had still not delivered any dwellings by the base date 3 years later. It is now under construction.
Shepley Street, Glossop	44	Planning permission was granted on 02/05/2013, yet over 3 years later at the base date no dwellings had been delivered. The site was under construction at the base date.
North Road, Glossop	150	Outline planning permission was granted at appeal in June 2014. By the base date, over 2 years later, only the show homes had been completed.
Octavia Gardens, Manchester Road	104	Outline permission was granted at appeal on 23 rd August 2012. Reserved matters were approved 1.75 years later on 16 th May 2014. The first dwellings were then recorded as being completed in 2015/16 (i.e. over 3 years since outline permission was granted)
Federal Mogul	160	Full planning permission was granted on 25 th November 2013 and the first completions were recorded in 2014/15. However, an interim planning statement had been adopted by the Council for this site in 2011 to guide the development.

11.8 In my assessment, I have made realistic judgments in terms of lead in times on those sites not in control of a developer. My assessment is on a site by site basis as set out in sections 12 and 13 below.

Assessment

11.9 The Council claims its five year supply equates to 3,544 dwellings. The supply comprises sites that fall in to the following categories:

Table 16: Breakdown of the Council's supply

	No. of dwellings
Status at 1st April 2016	
Sites with planning permission	
(a) Sites under construction	294
(b) Small sites with planning permission	206
(c) Large sites with planning permission	2,040
Sites without planning permission	
(d) Allocations	275+168+301 = 744
(e) Small sites windfall allowance	210
(f) PDNPA contribution	34
Total	3,544

11.10 I have assessed each category and make deductions for a number of reasons as set out in the following sections of this statement.

12. Sites with planning permission

(a) Sites under construction

- 12.1 The Council considers that 294 dwellings will be delivered by 30th September 2021 on 38 sites, which were under construction at 30th September 2016. On the basis that these dwellings were under construction at the base date, I accept that they will be delivered in the five year period. However, I do make the following deductions:

Table 17: Deductions made to sites under construction

Reference:	Site Address	No. of dwellings to be removed	Comment
HPK/2013/0657	Manchester Road (Octavia Gardens)	21	The site has permission for 104 dwellings. It is being built by Barratt who confirm that by 30/09/16, 65 had been completed. This leaves 39, yet the Council claims 60 were under construction. Therefore 21 dwellings should be removed (i.e. 60 – 39 = 21)
HPK/2012/0502	Chapel Street, Glossop	1	Whilst the site had outline permission for 37 apartments, the reserved matters is for 36 apartments, which is being delivered by McCarthy and Stone. Therefore 1 dwelling should be removed from the supply

- 12.2 As a result of the above, I consider that 272 dwellings will be delivered in the five year period on sites that were under construction at the base date (i.e. 294 – 22).

(b) Small sites with planning permission

- 12.3 The Council's trajectory claims that 206 dwellings will be delivered by 30th September 2021 on small sites that had planning permission at 1st April 2016. For monitoring purposes in relation to housing land supply, small sites are those sites with a capacity of less than 20 dwellings.
- 12.4 I make the following deductions from the followings sites in this category:

Table 18: Deductions made on small sites

Reference:	Site Address	No. of dwellings	Reason for discount
HPK/2012/0205	Capital Grange Garage, High Street, Chapel-en-le-Frith	10	Outline planning permission was granted for 10 dwellings on 12/05/2009 (LPA ref: HPK/2009/0110). That was due to expire but was renewed on 16 th July 2012 (LPA ref: HPK/2012/0205). The permission required the submission of reserved matters by 16 th July 2015. That did not happen and therefore the permission expired well before the base date.
	Slatelands / Turnlee, Glossop	9	The Council's schedules provide no information about this site, which is located in Glossop. My understanding is that it relates to part of a Barratt homes development, which was granted permission in 2001 and was completed some years ago. There is no evidence that any further dwellings are to be delivered on this site.
HPK/2012/0701	Lambgates, Hadfield	7	Outline planning permission was granted for 7 dwellings on 07/02/2013 (LPA ref: HPK/2012/0701). The permission required the submission of reserved matters by 7 th February 2016. That did not happen and therefore the permission expired before the base date. Whilst a full application for 7 dwellings was made in January 2016, that has been refused (LPA ref: HPK/2016/0021)
HPK/2012/0174	47 Station Road, Dove Holes	4	These 4 dwellings are already included in the completions figures for 1 st April to 30 th September 2016.
HPK/2011/0676	Hayfield Road East, Chapel-en-le-Frith	4	Outline planning permission was granted for 4 dwellings on 06/02/2012 (LPA ref: HPK/2011/0676) and again on 06/07/2012 (LPA ref: HPK/2012/0280). The later permission required the submission of reserved matters by 6 th July 2015. That did not happen and therefore the permission expired well before the base date.
HPK/2013/0001	Zion Methodist Church, Simmondley Lane, Glossop	2	This site had outline planning permission, but that expired on 12 th March 2016, before the base date.
	Total	36	

- 12.5 As a result of the above, I consider that 170 dwellings will be delivered in the five year period on small sites that had planning permission at the base date (i.e. 206 – 36).
- 12.6 It is of note that planning permission expired on a number of small sites in the six month period 1st April to 30th September 2016:

Table 19: Small sites where permission had expired at the base date and are therefore not included in the supply

Reference	Site Address	No. of dwellings	Date planning permission expired
2012/0380	Bailey Flatt Farm, Redgap Lane, Fairfield	2	
2013/0055	Gisbourne Yard	14	18/07/2016
2013/0295	Holy Trinity Church, School Road, Peak Dale	6	18/07/2016
2013/0398	29 Byron Street, Buxton	10	02/09/2016
2012/0574	2a Quadrant Mews	2	03/04/2016
2013/0110	23 Market Street	2	18/04/2016
2013/0161	107/111 Green Lane	1	18/07/2016
2013/0306	Elm House, St Peters Road	1	09/08/2016
2012/0439	Foundary Cottage, Hyde Bank Road	2	03/06/2016
2013/0293	Salem Mill, Hyde Bank Road	15	06/08/2016
2012/0363	9-11 Marsh Lane	2	07/08/2016
2013/0421	Buxton Road, Chinley	14	27/09/2016
	Total	71	

- 12.7 On this basis, it should not be assumed that just because a small site has planning permission, it will be delivered in five years. The table above demonstrates that planning permission may expire. Whilst I do not make any further deductions on this basis at this stage, caution should be applied when including all small sites with planning permission.

(c) Large sites with planning permission

12.8 The Council includes 27 large sites in its supply that had planning permission at 30th September 2016. It claims that 2,040 dwellings will be delivered on these sites in the five year period, in addition to those which are already counted as being under construction. I assess the number of dwellings that could be delivered on each of these sites in the five year period as follows. The sites follow the order they appear in the Council's housing trajectory.

Site 01 – Samas Roneo, Glossop Road, Gamesley (capacity = 93 dwellings)

Council's five year supply = 100 dwellings

12.9 The Council considers that this site will deliver 100 dwellings in the five year period. It is unclear why the Council claims 100 dwellings could be delivered rather than the 93 dwellings the site has permission for.

12.10 The Council considers that this site will start delivering dwellings in 2017/18 (i.e. less than 6 months from now), which I consider to be unrealistic given that the planning history of the site and the fact that there is no developer. The trajectory that was before the Local Plan Inspector was again overly optimistic. It claimed that the site would start delivering in 2016/17. That did not happen. Indeed, there has been no progress on this site since the local plan was examined.

12.11 This site is 2.81 ha in area. It is located on Glossop Road in Gamesley, to the west of Glossop. A site location plan is appended at **EP4A**.

12.12 Gamesley is an overspill estate, which grew in the 1960s to re-house households that had been relocated from Manchester. As set out in the SHMA (paragraph 4.6, page 35), unlike the rest of the authority area, Gamesley performs very poorly on a number of deprivation criteria and falls within the top 10% lowest ranked wards in England. The SHMA also confirms (paragraph 4.4, page 34) that Gamesley has a significant level of benefit claimants (31% of the working age population) compared to the High Peak average (11.2%) and Great Britain average (13.9%)

12.13 The site has historically been used for employment use having previously been occupied by a furniture manufacturer (Samas Roneo). A large warehouse is still standing at the site, but it is vacant and in a state of disrepair.

12.14 Part of the site was allocated for housing in the previous High Peak Local Plan (adopted March 2005), but the site has not delivered any dwellings in the 11.5 years since that plan was adopted.

12.15 The site has a long history of applications for residential development as follows:

- HPK/2004/0255 – residential development – withdrawn 9th July 2004;
- HPK/2004/0684 – residential development of not less than 30 dwellings – appeal lodged on grounds of non-determination later withdrawn;
- HPK/2005/0253 – residential development of 37 dwellings – refused 14th June 2005 – upheld at appeal 5th December 2005; and
- HPK/2011/0456 – outline application for 93 dwellings – withdrawn November 2011.

12.16 An outline planning application for the residential development of up to 93 dwellings was made by the Astor Property Group over 4.5 years ago on 12th January 2012. It was validated a day later and given the reference HPK/2012/0026. It was considered at a Development Control Committee meeting on 12th March 2012, where members resolved to approve outline planning permission, subject to the signing of a S106 agreement. The S106 was signed and the decision was issued on 12th April 2012.

12.17 Condition 2 of the permission required the submission of a reserved matters application by 12th April 2015. That did not happen and that permission expired.

12.18 On 19th December 2014, a further outline planning application for residential development of up to 93 dwellings was made by the Astor Property Group. It was validated on 22nd December 2014 and given the reference HPK/2014/0665. It was considered at a meeting of the planning committee on 16th March 2015 and approved on 13th April 2015. A copy of the committee report is appended at **EP4B**. The permission is subject to 35 conditions, including a series of pre-commencement conditions, none of which have been discharged. A copy of the decision notice is appended at **EP4C**.

12.19 The planning statement (appended at **EP4D**) in support of the 2014 application stated:

"1.1 Outline planning permission (Reference: HPK/2012/0026) was previously granted for the erection of residential development and associated works (including the demolition of the industrial building) on the Former Samas

Roneo Premises and land to the South of Glossop Road Gamesley (the application site).

1.2 Following receipt of outline planning permission, the application site has been marketed for sale for residential development and the owners are now close to Heads of Agreement with a potential developer purchaser, and are talking to others.

1.3 Notwithstanding this, the outline planning permission was granted subject to a condition requiring the submission of an application for approval of reserved matters before the expiration of 3 years from the date of the permission (12 April 2012). This deadline has been raised as a concern by the potential purchasers of the application site given the now small time period remaining for submitting an application for approval of reserved matters.

1.4 Accordingly, BNP Paribas Real Estate has been instructed to prepare a resubmission of the previous outline planning permission, seeking an extended time period for the purchaser of the application site to submit an application for approval of reserved matters, prior to implementing the previously approved residential development.

1.5 The co-owners are confident that with an extended time period in which to obtain the necessary further approvals, the sale of the application site to a house builder can be progressed and the residential development subsequently commenced in order to deliver much needed housing for local people. (my emphasis)"

12.20 The above indicates that the site has been marketed for at least 4.5 years since April 2012 and has not been sold to a developer. Given that almost two years have passed since December 2014 and the site still remains in the control of the owners, it is reasonable to conclude that whoever they were close to signing heads of agreement with at that time did not go on to purchase the site. It is also reasonable to conclude that the further discussions with potential developer purchasers at that time did not lead to the sale of the site. The fact that in December 2014 planning permission was about to expire does not appear to be the only reason why the site has not been sold on to a housebuilder as the new permission was granted in April 2015 and the site has still not been sold.

12.21 I also note that the policy officer's comments on the 2014 planning application in March 2015 (appended at **EP4E**) explained that the site was to be included within the built-up area boundary in the then emerging Local Plan and that:

"The inclusion of the site within the built up area boundary would also facilitate the renewal of a consent on the site in the future should any permission lapse."

12.22 This does not appear to indicate that the policy officer was completely confident the 2014 permission would be implemented. This is not surprising given that part of the site has been allocated for residential development since 2005 and the site has had outline permission for residential development since April 2012 and despite been marketed has not been sold to a developer.

12.23 Consequently, whilst the site has outline planning permission, it is not known whether the site will ever be sold to a developer, when that will be, whether that will take place within the five year period, who the developer will be and what their timescales and build out rates would be.

12.24 There are also viability considerations. I note that the applicant considered 30% affordable housing would make the proposal unviable. In the planning statement for the 2014 planning application, the agent explained that in the previous application, the applicant agreed 30% of the dwellings would be affordable, but requested that this could be re-assessed at the reserved matters stage. In the 2014 application, paragraph 7.57 of the planning statement (EP4D) states:

"The applicant remains of the view that the 30% affordable housing provision and other S106 contributions sought by HPBC are likely to make the proposed development unviable."

12.25 Footnote 11 of the NPPF states that sites with planning permission should be considered deliverable until permission expires unless there is clear evidence they will not be implemented in five years. The examples given include viability, which the owners consider is an issue in this case. Paragraph 3-020 of the PPG: "What factors should be considered when assessing availability?" states:

"Consideration should also be given to the delivery record of the developers or landowners putting forward sites, and whether the planning background of a site shows a history of unimplemented permissions."

12.26 In this case, whilst the landowner has put forward the site, there is a history of unimplemented permissions and there can be no guarantee that the site will be sold and the current permission

implemented within the five year period. The site could be completely removed from the supply on this basis.

12.27 Notwithstanding the above, I have allowed 3 years from the base date for the site to be sold, viability issues to be addressed, contamination to be investigated and mitigated, application(s) for reserved matters applied for, determined and approved, applications for pre-commencement conditions to be made and discharged, a start on site made and the existing building demolished. Given the history of the site and the profile of Gamesley, this is optimistic. I have applied a build rate of 10 dwellings per annum on the basis that Gamesley is unlikely to deliver a high build rate.

12.28 This means that 20 dwellings could be delivered from this site in the five year period and 80 dwellings should be removed from the Council's supply.

Site 02 – Chapel Street, Glossop (capacity = 36 retirement apartments)

Council's five year supply = 74 dwellings (37 under construction and 37 in the five year supply)

12.29 This site is in the centre of Glossop and is known as "Calico Court". It is under construction by McCarthy and Stone and will deliver 36 apartments (17 no. 1-bed and 19 no. 2-bed) for residents aged 55 or over. It is already included in the 294 dwellings the Council claims were under construction at the base date and has therefore already been counted in the supply.

12.30 The Council has double counted this site and 37 dwellings should be removed.

Site 03 – Shepley Street, Glossop (capacity = 44 dwellings)

Council's five year supply = 51 dwellings (10 under construction and 41 in the five year supply)

12.31 This site is under construction by Wiggett Homes. It should be included in the five year supply. However, the Council has double counted some of the dwellings as whilst it considers that 21 dwellings will be delivered by 31st March 2017 and 20 in 2017/18 (i.e. 41 in total), it already includes 10 dwellings in the under construction figure. This means that 7 dwellings should be removed from the Council's supply.

Site 04 – Hole House Mill, Chisworth (capacity = 22 dwellings)

Council's five year supply = 22 dwellings

- 12.32 The Council considers that this site will deliver 22 dwellings in the five year period.
- 12.33 This site is 1.8 hectares in area and is located within the village of Chisworth to the north of the A626, between Glossop and Marple Bridge (Stockport). A site location plan is appended at **EP5A**. It lies in an area of countryside washed over by the North West Derbyshire Green Belt. The site abuts the Chisworth Conservation Area with only the access to the site falling within the designated area. The site and premises are those of a former cotton mill and subsequent rope works. The site is occupied by a manufacturing company known as Prisma Colour Ltd.
- 12.34 On 19th November 2008, an outline planning application for a mixed use development comprising of B1 office units and 22 no. houses was made by the owners and occupiers (Prisma Colour). It was validated on 25th November 2008 and given the reference HPK/2008/0721. Outline planning permission was granted on 9th February 2009 subject to 21 conditions.
- 12.35 Condition 2 of the outline permission required the submission of a reserved matters application by 24th February 2012. That did not happen. Instead, an application to renew the permission was made by Prisma Colour on 6th January 2012 (LPA ref: HPK/2012/0007). That permission was granted on 4th April 2012. A copy of the decision notice is appended at **EP5B**. Condition 2 of that permission required the submission of reserved matters by 4th April 2015. Condition 1 requires the development to be begun on or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.
- 12.36 On 16th March 2015 (three weeks before the consent was due to expire), Prisma Colour then applied for all of the reserved matters. The application was validated on 30th March 2015 and given the reference HPK/2015/0145. It was determined at a meeting of the planning committee on 19th October 2015, where it was recommended for approval. Members voted in favour of the recommendation and the approval of reserved matters was issued on 27th October 2015. A copy of the decision notice is appended at **EP5C**. The permission was subject to 18 conditions, including a series of pre-commencement conditions, none of which have yet been discharged.
- 12.37 This site should not be included in the five year supply of deliverable sites. It is not available and remains occupied by Prisma Colour. Furthermore, it is not known when the site will become

available. The company has been looking to relocate from the site for a number of years. A post on the company's website over 7 years ago on 12th May 2009 (appended at **EP5D**) stated:

"Prisma Colour Limited have been granted planning permission for a housing development on their existing Chisworth manufacturing site. The company has committed to use this permission to relocate and build a new purpose-built factory nearby.

Managing Director Tim Johnson hopes that the move will help the company increase its International market share whilst improving the efficiency of their production facilities." (my emphasis)

12.38 I also note that in a letter dated 7th October 2015 in support of the reserved matters application (appended at **EP5E**), Prisma Colour confirmed the following:

- The business is still operational and has seen significant growth since 2009;
- The site at Hole House Mill is the only site the company operates from, having closed its site in Leigh (Wigan);
- The business plan is to build / acquire a purpose built site near to Chisworth, which would be more in keeping with best practice for modern day manufacturing;
- The existing site is a barrier to the business' expansion plans and it is actively seeking options for relocation; and
- The search process for the relocation is ongoing.

12.39 Consequently, for the existing planning permission to be implemented, the following would be required:

- A new site found;
- New premises built;
- Relocation of Prisma Colour;
- The site at Hole House Mill sold to a developer; and
- Pre-commencement conditions discharged

12.40 All of the above would need to happen by 27th October 2017 before the permission expires, which is unrealistic.

12.41 On the basis that a relocation site has not yet been found, the site is not available for development. It should not be included in the five year supply. This results in a deduction of 22 dwellings.

Site 05 – Waterswallows, Buxton (capacity = 331 dwellings)

Council's five year supply = 155 dwellings

12.42 The Council considers that this site will deliver 155 dwellings in the five year period and will start delivering dwellings in 2018/19. The trajectory that was before the Local Plan Inspector claimed that the site would start delivering in 2016/17. That did not happen. Indeed, there has been no progress on this site since the local plan was examined.

12.43 This site is located to the east of Buxton, off Waterswallows Road. A site location plan is appended at **EP6A**. The site has a long planning history. Outline planning permission was originally granted over 16 years ago for up to 330 dwellings on 9th August 2000 (LPA ref: HPK/0003/9366). On 29th November 2001, conservation area consent was also granted at the same time for the demolition of garages (LPA ref: HPK/0003/9367). The reserved matters for phase one (12 dwellings) were approved on 2nd March 2006 (LPA ref: HPK/2005/0539). A copy of the decision notice is appended at **EP6B**. On 27th September 2006, permission was then granted under reference HPK/2006/0601 for the variation of condition 1 of HPK/0003/9367 to extend the time period for the conservation area consent for a further 3 years.

12.44 The development of the houses is reliant on the delivery of the Fairfield Link Road, which includes a new roundabout on the A6 and new highway through to the Tongue Lane Industrial Estate. An extension of the link road is required to serve the housing and employment allocations off Tongue Lane.

12.45 Almost 15 years ago, on 23rd November 2001, planning permission was granted for the Fairfield Link Road under reference HPK/0003/9366. On 31st March 2009, permission was granted to vary condition 1 of the full planning permission for HPK/0003/9365 under reference HPK/2006/0605. More recently but still over 3.5 years ago, on 13th May 2013, permission was granted subject to the signing of a S106 to replace HPK/2006/0605 (i.e. for the link road) under reference HPK/2012/0097. The S106 has not been signed over 3.5 years later and therefore the road does not even have permission, let alone any indication that it will be delivered.

- 12.46 The Council considers that the permission is extant due to a lawful start being made on the phase one for 12 dwellings (see appendix **EP6C**). Nevertheless, as can be seen from the above, the site has had planning permission for 16 years and has not delivered any dwellings.
- 12.47 Whilst some delays have been experienced due to town and village green applications, which were eventually disposed of in 2010, clearly a further 6 years have passed since then and the link road has still not been granted permission, let alone been delivered.
- 12.48 The significance of the link road is that the S106 for the outline planning permission for residential development does not allow for the development of any more than 20 residential dwellings until the Link Road has been constructed. As above, the planning permission for the link road has expired and the latest application is yet to be determined due to the length of time it has taken for the S106 legal agreement to be secured. On this basis, there is no guarantee that the link road will ever be constructed. Even if it were, the timescales for its construction are not known.
- 12.49 On the basis of the above, only the 12 dwellings that have secured permission for reserved matters could be delivered. Without any further details as to how or when the link road will be paid for and constructed, no further phases are deliverable. Given the long history of this site, there is no realistic prospect that any development will take place in the five year period. It should be removed from the supply. This results in a deduction of 155 dwellings from the Council's supply.

Site 06 – Land to the rear of Hallsteads, Dove Holes (capacity = 120 dwellings)

Council's five year supply = 120 dwellings

- 12.50 The Council considers that this site will deliver 120 dwellings in the five year period and will deliver 15 dwellings before 1st April 2017.
- 12.51 This site is located to the rear of a road known as Hallsteads in the village of Dove Holes. It is located to the south east of Chapel-en-le-Frith and has a population of around 1,200 people.
- 12.52 A site location plan for this site is appended at **EP7A**. The site had outline planning permission for up to 120 dwellings, but the reserved matters applications mean that only 104 dwellings will be delivered. Consequently, this is already a reduction of 16 dwellings from the Council's supply.

12.53 Outline planning permission was originally granted on 10th September 2013 for residential development at the site (LPA ref: HPK/2013/0319). Condition 18 of the permission stated that the maximum number of dwellings that could be delivered is 58. An application to vary this condition to increase the number of dwellings to 120 was made (LPA ref: HPK/2013/0625). It was refused on 21st February 2014. An appeal was lodged and this was allowed on 27th October 2014 (PINS ref: H1033/A/14/2215445).

12.54 The owner of the site is JALO Enterprises Co. Ltd, based in Thailand. So far, all of the applications have been made by the owner, including an application for reserved matters relating to phase 1 (21 no. dwellings, LPA ref: HPK/2015/0563, approved 20th April 2016) and an application to discharge conditions on both the outline permission and reserved matters consent (LPA ref: DOC/2016/0052). A further application has been made for the remainder of the site. I understand from the latest application that a company set up under the name of "Hopwood Homes" will deliver the dwellings on the site.

12.55 I have allowed 6 months from the base date for a start on site to be made. This means that a full year of delivery could be made in 2017/18. However, given the close proximity to the site described below, I have reduced the standard build rate to 20 dwellings per annum to allow for competition between the two sites as they deliver at the same time in the small village of Dove Holes in close proximity to each other.

12.56 This means that 90 dwellings could be delivered from this site in the five year period and 30 dwellings should be removed from the Council's supply.

Site 07 – Land off Hallsteads, Dove Holes (capacity = 80 dwellings)

Council's five year supply = 80 dwellings

12.57 The Council considers that this site will deliver 80 dwellings in the five year period.

12.58 This site is 2.3 ha in area. It is located to the west of Hallsteads in Dove Holes. A site location plan is appended at **EP7B**. It has outline planning permission for up to 80 dwellings (LPA ref: HPK/2013/0417). The permission was granted subject to 22 conditions, including pre-commencement conditions. Condition 2 requires the submission of an application for reserved matters by 31st October 2016. An application for reserved matters for the first 25 dwellings is currently pending determination,

12.59 The application was made by a company set up under the name of "Hallsteads Homes", based in Sheffield. The site remains in the ownership of Mr and Mrs Fletcher.

12.60 I have allowed 18 months from the base date for the site to be sold (if required), application(s) for reserved matters determined and approved, applications for pre-commencement conditions to be made and discharged and a start on site made. Given the close proximity to the site described above, I have reduced the standard build rate to 20 dwellings per annum to allow for competition between the two sites as they deliver at the same time.

12.61 This means that 70 dwellings could be delivered from this site in the five year period and 10 dwellings should be removed from the Council's supply.

Site 08 – 'Octavia Gardens', Manchester Road, Chapel-en-le-Frith (total capacity = 104 dwellings, remaining capacity = 39 dwellings)

Council's five year supply = 71 dwellings (60 under construction and 11 in the five year supply)

12.62 The Council considers that this site will deliver 11 dwellings in the five year period in addition to the 60 dwellings it includes as being under construction.

12.63 This former greenfield site is known as 'Octavia Gardens'. It is being developed by Barratt Homes. It should be included in the supply. However, as I have described above, by the base date 65 dwellings had been completed. This leaves 39, which are already included in the dwellings under construction. To then include any further dwellings in the five year supply would be further double counting. In addition to the 21 dwellings that should be removed from sites under construction, the additional 11 dwellings should not be included.

Site 09 – Forge Works (capacity = 182 dwellings)

Council's five year supply = 168 dwellings (19 under construction and 149 in the five year supply)

12.64 This site is a former bleach works. A location plan is appended at **EP8A**. Part of the site (phase 1) is known as "Forge Manor". A site layout plan is appended at **EP8B**. It is being developed by Wainhomes and should be included in the supply. Indeed 19 dwellings are already included as being under construction. I accept the remaining dwellings (72) in that phase will be delivered in the five year period.

12.65 The second phase of the site has not been sold to a housebuilder. This will be harder to develop than phase 1 due to contamination, culvert / diversion of watercourses and access issues. It is unlikely to be delivered until the first phase has been completed and these outstanding issues have been addressed.

12.66 Consequently, I only include 91 dwellings in the five year supply from this site in total (19 under construction and 72 in the five year supply).

Site 10 – Federal Mogul, Chapel-en-le-Frith (total capacity = 160 dwellings, remaining capacity = 64 dwellings)

Council's five year supply = 98 dwellings (54 under construction and 44 in the five year supply)

12.67 This brownfield site is known as Beckett's Brow and is being developed by Barratt Homes. It should be included in the supply. However, the Council has again double counted as 96 dwellings had already been completed by the base date, which only leaves 64 dwellings, not 98. As 54 dwellings are already included in the under construction figure, only 10 dwellings should be included in the five year supply, meaning that 34 should be removed.

Site 11 – Land off southern end of Long Lane, Chapel-en-le-Frith (capacity = 105 dwellings)

Council's five year supply = 105 dwellings

12.68 This site is known as Rosebay and is being developed by Seddon Homes, who had previously delivered the site to the north. This site should be included in the supply. It has detailed planning permission and is in control of a housebuilder with a track record of delivery in the area.

Site 12 – Dinting Road, Dinting (capacity = 113 dwellings)

Council's five year supply = 113 dwellings

12.69 The site is a greenfield site located at Dinting Road, Dinting by the railway station. A site location plan is appended at **EP9A**. Outline planning permission was originally granted at appeal in 2014. A copy of the decision notice is appended at **EP9B**. An application for reserved matters has not been made. More recently, an application has been approved to increase the number of dwellings to 113.

12.70 Emery Planning are the agents for this site. Whilst the site has outline planning permission, it is not known when the site will be sold to a developer, who the developer will be and what their timescales and build out rates would be.

12.71 I have allowed 3 years from the base date for the site to be sold, application(s) for reserved matters to be prepared, submitted and determined, applications for the discharge of pre-commencement conditions prepared, submitted and determined and a start on site to be made. I have then applied a build rate of 30 dwellings per annum, which may be optimistic given the build rate currently being experienced in Glossop (e.g. site 14 below at North Road).

12.72 This means 60 dwellings could be delivered in the five year period and 53 dwellings should be removed from the Council's supply.

Site 13 – The Panhandle site, Graphite Way, Hadfield (capacity = 44 dwellings)

Council's five year supply = 44 dwellings

12.73 The Council considers that this site will deliver 44 dwellings in the five year period.

12.74 The site has outline planning permission for up to 44 dwellings (LPA ref: HPK/2014/0067). There is no developer; the site remains in the ownership of the owner (Mr Levine). It has been marketed since permission was granted over 2.5 years ago but has not been sold to a developer. Whilst I include this site in the supply at this stage, I note that for the current permission to be implemented, an application for reserved matters must be made before the consent expires on 15th May 2017. Unless the site is sold in the next 6 months, this is unlikely to happen and therefore either the permission will expire or a further application to effectively renew the consent would need to be made. This indicates that there is some doubt as to whether the current permission will be implemented.

Site 14 – North Road, Glossop (capacity = 150 dwellings)

Council's five year supply = 148 dwellings (23 under construction and 125 in the five year supply)

12.75 This site is now known as 'Laurel View'. It is under construction by Taylor Wimpey. I agree that it should be included in the five year supply. It has detailed planning permission and is in control of a housebuilder.

12.76 According to the Council's completion figures, two dwellings were completed in 2015/16, a further two dwellings were completed between 1st April 2016 and 30th September 2016. This leaves 146 dwellings, not 148. Therefore, 2 dwellings should be removed.

12.77 The build rate is also of note as only 2 dwellings were completed in the last 6 months and only 23 are under construction. This indicates that the 30 dwellings this site is expected to deliver per annum is optimistic.

Site 15 – Land at Charlestown Works, Glossop (capacity = 100 dwellings)

Council's five year supply = 105 dwellings

12.78 Given that this site has outline planning permission for 100 dwellings, it is unclear why the Council considers it will deliver 105 dwellings in the five year period.

12.79 The site is 4.1 ha in area. It is located about 1 mile to the south of Glossop town centre. The surrounding uses are employment and residential. There is also a fire station to the north and an Italian restaurant to the south. A site location plan is appended at **EP10A**.

12.80 The site sits on both sides of the A624 (Charlestown Road). It comprises a number of vacant industrial units. Whilst the site has historically been used for employment purposes, it has been vacant since 2006.

12.81 An outline planning application for residential development was made at the site in July 2004 (LPA ref: HPK/2004/0596). It was refused on 29th June 2005. An appeal was made, which was dismissed on 12th September 2006 (PINS ref: APP/H1033/A/05/1193162). Further applications were made in 2011 (LPA ref: HPK/2011/0315) and 2012 (LPA ref: HPK/2012/0413) for the residential development of 105 dwellings, which were subsequently withdrawn. A further outline planning application for residential development was made in 2013 (LPA ref: HPK/2013/0053). This was refused on 1st May 2013 due to loss of employment use and impact on residential amenity. An appeal was made, but was withdrawn before the public inquiry took place (PINS ref: H1033/A/13/2201968).

12.82 On 25th October 2013, an outline planning application for the proposed demolition of existing structures and erection of up to 100 dwellings including 14 in the conversion of the former office building, 1,660sqm of B1 commercial floor space, the restoration of former mill pond and creation of public open space was made by Atchinson Raffety. It was validated on 30th

October 2013 and given the reference: HPK/2013/0597. It was approved under delegated powers over 2.5 years ago on 17th March 2014. A copy of the decision notice is appended at **EP10B**. The permission was subject to 35 conditions, including a number of pre-commencement conditions; none of which have been discharged at the time of writing. Condition 1 states:

"The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is later."

12.83 Condition 2 states:

"Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this planning permission."

12.84 Whilst a reserved matters application has been made by Sherwood Homes for 97 dwellings and is pending determination, none of the pre-commencement conditions have been discharged. It is of note that condition 14 requires a contamination survey to be undertaken. Given the historical industrial use of the site, it is not surprising that the land is contaminated and an appropriate remediation strategy would therefore be required.

12.85 Consequently, whilst the site has outline planning permission, it is not known when it will be cleared, remediated and developed, even if the reserved matters application is approved.

12.86 I have allowed 2.5 years from the base date for the reserved matters to be approved, contamination to be investigated and mitigated, application(s) for reserved matters determined and approved, applications for pre-commencement conditions to be made and discharged, and a start on site made, including demolition of existing buildings. I have applied a build rate of 30 dwellings per annum. Again, this may be optimistic considering the build rate experienced on other sites in Glossop.

12.87 This means that 75 dwellings could be delivered from this site in the five year period and 30 dwellings should be removed from the Council's supply.

Site 16 – Land at Burlow Road, Buxton (capacity = 275 dwellings)

Council's five year supply = 150 dwellings

- 12.88 The Council considers that this site will deliver 150 dwellings in the five year period and will start delivering dwellings in 2018/19. The trajectory that was before the Local Plan Inspector claimed that the site would start delivering in 2016/17. That did not happen. Indeed, there has been no progress on this site since the local plan was examined.
- 12.89 This site relates to two parcels of land; "site A" located to the north of Heath Nook Road and to the west of Burlow Road, and "site B" located to the south of Burlow Road and Dolby Road. Overall both sites cover 8.51 hectares of land (site A comprises 5.64 ha and site B 2.87 ha) located to the south east of Buxton. Both sites are greenfield. A site location plan is appended at **EP11A**.
- 12.90 Almost two years ago on 11th November 2014, outline planning permission was granted for residential development for up to 275 dwellings, public open space, crèche, sports pavilion, access & associated infrastructure (LPA ref: HPK/2014/0403). The applicant is Harpur Homes Ltd (a company set up by local landowners / land promoters Mr Robinson and Mr Rose in June 2013). A copy of the decision notice is appended at **EP11B**.
- 12.91 Whilst the site has outline planning permission, it is not known when the site will be sold to a developer, who the developer will be and what their timescales and build out rates would be. There is no evidence that there would be multiple developers from the commencement of development, therefore there is no justification for increasing the annual build rate to 50 dwellings per annum.
- 12.92 I have allowed 3 years from the base date for the site to be sold, application(s) for reserved matters to be prepared, submitted and determined, applications for the discharge of pre-commencement conditions prepared, submitted and determined and a start on site to be made. I have then applied a build rate of 30 dwellings per annum.
- 12.93 This means 60 dwellings could be delivered in the five year period and a deduction of 90 dwellings in the Council's supply.

Site 17 – Land at Manchester Road, Chapel-en-le-Frith (capacity = 47 dwellings)

Council's five year supply = 47 dwellings

12.94 This site is 1.82ha in area. It is located to the west of Chapel-en-le-Frith on the southern side of Manchester Road. It surrounds the existing dwellings at 127 and 129 Manchester Road. To the north and east of the site is residential development. To the south is open agricultural land with a golf course beyond and to the west is Whitestones, a residential care facility.

12.95 On 7th August 2014, outline planning permission was granted for up to 49 new dwellings (LPA ref: HPK/2014/0210). Applications for reserved matters and the discharge of pre-commencement conditions have been made by The Lovell Partnership (property developers) were approved on 7th October 2016 (LPA ref: HPK/2016/0217). The detailed consent is for 47 new dwellings.

12.96 On the basis that the site has detailed consent and is control of a housebuilder, the site should be included within the supply. It is assumed the whole site would be complete by the end of the five year period.

Site 18 – Foxlow Farm, Harpur Hill Road, Buxton (capacity = 445 dwellings)

Council's five year supply = 150 dwellings

12.97 This very large site is 19.8 ha in area. It is located on open farmland to the north of Fox Low Hill to the south east of Buxton. A site location plan is appended at **EP12A**. To the north-east, the site is bounded by the Ashbourne Road and Staden Lane Industrial Estate. The site adjoins housing on the north-west and extends over the ridge to adjoin housing on Harpur Hill Road to the west and at Harpur Hill to the south. The southeast boundary adjoins open countryside.

12.98 Over three years ago on 29th October 2013, an outline planning application was made by Hallam Land Management Ltd (a strategic land promotion company) for a mixed use development, comprising:

- residential development comprising up to 375 dwellings;
- a residential care and/or retirement facility comprising up to 70 units and ancillary facilities to be occupied for any use or combination of uses within classes C2 and C3 of Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 ("TCPO 2010");

- a local centre comprising:
 - up to 600 sqm of retail uses to be occupied for any use or combination of uses within classes A1 – A3 of the TCPO 2010 (such as retail uses);
 - up to 580 sqm of retail uses to be occupied for any use within class A4 of the TCPO 2010 (such as restaurant uses);
 - up to 1,000 sqm of business use to be occupied for any use or combination of uses within class B1 of the TCPO 2010; and
 - up to 1,000 sqm of community uses to be occupied for any use or combination of uses within class D1 of the TCPO 2010 (such as a health centre, nursery or community use);
- together with associated access, car parking, open space and landscaping.

12.99 The application was validated on 11th November 2013 and given the reference: HPK/2013/0603.

It was determined at a meeting of the planning committee on 7th July 2014, where it was recommended for approval. Members voted in favour of the recommendation and planning permission was granted. The decision notice was issued over two years ago on 4th November 2014. A decision notice is appended at **EP12B**. The permission was granted subject to 26 conditions, including a number of pre-commencement conditions, none of which have been discharged.

12.100 Whilst the site has outline planning permission, it is not known when the site will be sold to a developer, who the developer will be and what their timescales and build out rates would be. There is no evidence that there would be multiple developers from the commencement of development, therefore there is no justification for increasing the annual build rate to 50 dwellings per annum.

12.101 I have allowed 3 years from the base date for the site to be sold, application(s) for reserved matters to be prepared, submitted and determined, applications for the discharge of pre-commencement conditions prepared, submitted and determined and a start on site to be made. Given the size of the site, this may be optimistic. I have then applied a build rate of 30 dwellings per annum.

12.102 This means 60 dwellings could be delivered in the five year period and a deduction of 90 dwellings in the Council's supply.

Site 19 – Land south of Macclesfield Road, Whaley Bridge (capacity = 107 dwellings)

Council's five year supply = 137 dwellings

- 12.103 It is unclear why the Council considers this site will deliver 137 dwellings when it only has outline planning permission for up to 107 dwellings.
- 12.104 The trajectory that was before the Local Plan Inspector claimed that the site would start delivering in 2016/17. That did not happen. Indeed, there has been no progress on this site since the local plan was examined.
- 12.105 The site is 6.37 ha in area. It is located to the south west of Whaley Bridge. It is bound to the north by dwellings, which front on to Macclesfield Road, to the east by Botany Business Park, and to the west by Linglongs Road. To the south is open countryside. The land is currently used for grazing. A site location plan is appended at **EP13A**.
- 12.106 Over 2.5 years ago, on 19th March 2014, an outline planning application was made by Gladman Developments Ltd for up to 107 dwellings. The application was validated on 9th April 2014 and given the reference: HPK/2014/0119. Details relating to access were originally applied for and this was to be taken off Linglongs Road. However, this matter was withdrawn during the determination of the application and is therefore reserved. Outline planning permission was eventually granted on 7th May 2015 subject to 31 conditions, including a number of pre-commencement conditions, which have not yet been discharged. A copy of the committee report is appended at **EP13B**. A copy of the decision notice is appended at **EP13C**.
- 12.107 Whilst the site has outline planning permission, it is not known when the site will be sold to a developer, who the developer will be and what their timescales and build out rates would be.
- 12.108 I have allowed 3.5 years from the base date for the site to be sold, application(s) for reserved matters to be prepared, submitted and determined, applications for the discharge of pre-commencement conditions prepared, submitted and determined and a start on site to be made. This allows additional time for the matter regarding access to be resolved. I have then applied a build rate of 30 dwellings per annum.
- 12.109 This means 45 dwellings could be delivered in the five year period and a deduction of 92 dwellings from the Council's supply.

Site 20 – Land at Redcourt, Hollincross Lane, Glossop (22 dwellings)

Council's five year supply = 22 dwellings

12.110 The site is occupied by a care home. Full planning permission has been granted to convert the care home into 4 no. townhouses and build 18 no. additional dwellings to fund a new care home elsewhere on the site (LPA ref: HPK/2014/0174). The new care home needs to be built before the existing one is demolished to make way for the houses. The permission was granted on 5th August 2014 subject to 39 conditions, including a series of pre-commencement conditions, which have not yet been discharged. The development must commence by 5th August 2017.

12.111 I include this site in the supply at this stage on the assumption that the pre-commencement conditions will be discharged and the development will commence before the permission expires. The residential units should not be expected until the end of the five year period however as the care home must be constructed first.

Site 21 – Batham Gate Road, Peak Dale (27 dwellings)

Council's five year supply = 27 dwellings

12.112 The Council considers that this site will deliver 27 dwellings in the five year period.

12.113 This site is 0.84 ha in area. It is located in the small village of Peak Dale to the north east of Buxton and is currently in use as grazing land.

12.114 Full planning permission was granted on 21st July 2015 for 27 residential dwellings at the site. The permission is subject to 20 conditions, including pre-commencement conditions, none of which have been discharged.

12.115 The site is currently being marketed for sale at a price of £600,000. It failed to sell at auction in April 2016 and therefore remains on the market. Notwithstanding this, I have assumed at this stage that it will be sold to a housebuilder who would implement the decision in the five year period.

Site 22 – Church Lane, New Mills (capacity = 21 dwellings)

Council's five year supply = 21 dwellings (4 under construction and 17 in the supply)

12.116 This site is under construction by Treville Properties. Emery Planning were the agents for the application. It will be delivered in the five year period. Indeed it is already under construction.

Site 23 – Woods Mill (capacity = 57 dwellings)

Council's five year supply = 57 dwellings

12.117 The site has planning permission for 57 dwellings as part of a mixed use scheme. The retail element is already under construction. I consider that the dwellings will be delivered in the five year period.

Site 24 – G19 – Dinting Road / Dinting Lane (capacity = 65 dwellings)

Council's five year supply = 65 dwellings

12.118 The Council considers that this site will deliver 65 dwellings in the five year period (starting in year 2 i.e. 2017/18).

12.119 On 27th May 2016, outline planning permission was granted for up to 65 dwellings at this site (LPA ref: HPK/2015/0412). Whilst there is no developer and no application for reserved matters has been made, I have assumed that the site will be sold, reserved matters applied for and approved and development completed at the very end of five year period.

Site 25 – Paradise Street, Hadfield (capacity = 12 dwellings)

Council's five year supply = 16 dwellings (4 under construction and 12 in the supply)

12.120 The site has permission for 12 dwellings (LPA ref: HPK/2015/0329, granted 1st February 2016), which I accept will be delivered in the five year period. However, the Council has already counted 4 dwellings in the under construction figure and therefore there is a reduction of 4 dwellings in the five year supply.

Site 26 – Land at Brown Edge Road, Buxton (53 extra care apartments)

Council's five year supply = 53 dwellings

- 12.121 This site is 1.1 ha in area. It is located on Brown Edge Road, to the north of Buxton. To the north west and west is open countryside. To the east and south is residential development and Brown Edge Road.
- 12.122 Full planning permission was granted on 16th March 2015 for the construction of 53 extra care apartments with associated communal facilities, external landscaping and car parking as well as a care home comprising of 16 en-suite bedrooms, associated lounges and dining rooms (LPA ref: HPK/2014/0372).
- 12.123 The site is being developed by Derbyshire County Council in partnership with housing provider Housing & Care 21 and community regeneration specialist Keepmoat. On this basis, it should be included within the five year supply.

Site 27 – Surrey Street, Glossop (capacity = 52 affordable homes)

- 12.124 This site has planning permission and has HCA funding to deliver the affordable homes. I agree it will be delivered in the five year period.

Summary in relation to large sites with planning permission

12.125 The following table summarises my position regarding sites with planning permission:

Table 20: summary of large sites with planning permission

Site ref:	Address	Status	Developer	No. of dwellings in the five year period in addition to those under construction		
				Council	Appellant	Difference
01	Samas Roneo	Outline	-	100	20	-80
02	Chapel Street	U/C	McCarthy & Stone	37	0	-37
03	Shepley Street	U/C	Wiggett	41	34	-7
04	Hole House Mill	RM	-	22	0	-22
05	Waterswallows	Stalled	-	155	0	-155
06	Rear of Hallsteads	RM	Hopwood	120	90	-30
07	South of Hallsteads	RM	-	80	70	-10
08	Octavia Gardens	U/C	Barratt	11	0	-11
09	Forge Works	U/C	Wainhomes	149	72	-77
10	Federal Mogul	U/C	Barratt	44	10	-34
11	South of Long Lane	RM	Seddon	105	105	0
12	Dinting Road	Outline	-	113	60	-53
13	Panhandle site	Outline	-	44	44	0
14	North Road	U/C	Taylor Wimpey	138	136	-2
15	Charlestown Works	Outline	-	105	75	-30
16	Burlow Road	Outline	-	150	60	-90
17	Manchester Road	RM	Lovell	47	47	0
18	Foxlow Farm	Outline	-	150	60	-90
19	Macclesfield Road	Outline	-	137	45	-92
20	Redcourt	Full	-	22	22	0
21	Batham Gate Road	Outline	-	27	27	0
22	Church Lane	Full	Treville	17	17	0
23	Woods Mill	Full		57	57	0
24	G19 Dinting Road	Outline	-	65	65	0
25	G2 Paradise Street	Full		12	8	-4
26	Brown Edge Road	Full	DCC / Keepmoat	53	53	0
27	Surrey Street	Full		52	52	0
	Total			2,040	1,201	-839

13. Sites without planning permission

Principle of inclusion

13.1 At the base date, none of these sites had planning permission. Whilst footnote 11 of the NPPF states that sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented, there is no reference to sites without planning permission

13.2 Paragraph 031 (Reference ID: 3-031-20140306) of the PPG: "What constitutes a 'deliverable site' in the context of housing policy?" states:

"... planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the five-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out. If there are no significant constraints (e.g. infrastructure) to overcome such as infrastructure sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a five-year timeframe". (my emphasis)

13.3 Consequently, the onus is on the Council to provide "robust, up to date evidence" to support the deliverability of all sites. Further, there must be "no significant constraints" to overcome. Within this context, it is surprising that the Council has chosen not to publish any evidence to support the deliverability of any of the sites in its schedule. As above, it is even more surprising that this is the case given that the Council's planning policy officer confirmed to me in an e-mail dated 18th May 2016 that the Council's position would be "accompanied by evidence as required by the PPG" (see appendix **EP1B**). However, as the Council has chosen not to publish any supporting information, there is consequently no evidence to justify the Council's delivery assumptions on any of the sites without planning permission.

13.4 I have reviewed the sites that had planning permission at the base date and found that it takes on average at least 3.75 years from the validation of the first planning application made on a site to the delivery of any units. My assessment is appended at **EP3**. Consequently, even if planning applications had been submitted at the base date on sites without planning permission, these sites would only start to deliver dwellings at the very end of the five year

period. However, planning applications have not been submitted on any of these sites and therefore the time taken for applications to be prepared and submitted should also be taken into account.

(d) Allocated sites

- 13.5 The Council's trajectory includes 17 sites, which according to the Council are allocated in the HPLP and the Council expects will deliver some dwellings in the five year period. I comment as follows:

Site 28 – G2 – Paradise Street, Hadfield (remaining capacity = 16 dwellings, Council's five year supply = 3 dwellings)

- 13.6 The site is the remainder of the land allocated to the north and west of site 25 as I have discussed above. It is unclear as to why an application has only come forward for 12 dwellings rather than the full 28 dwellings in the allocation. There is no evidence that the remainder of the allocation will deliver dwellings in the five year period and therefore I have removed these 3 dwellings from the supply.

Site 29 – G3 – Roughfields, Hadfield (capacity = 102 dwellings, Council's five year supply = 45 dwellings)

- 13.7 The site is located to the north east of Hadfield. It is adjacent to the existing built up area. The part of the site to the south was already allocated for school / college use in the previous local plan.
- 13.8 The Council now considers that this site will deliver 45 dwellings in the five year period, 30 dwellings in 2020/21 and 15 in the 6 month period 1st April 2021 to 30th September 2021.
- 13.9 The only planning history I have found for this site relates to a permission for residential development and public open space, which was granted on 19th June 1989 (LPA ref: HPK/0002/7611). The permission was not implemented and subsequently expired.
- 13.10 Even if an application were made on the site in the next 3 months, given the average time it takes for dwellings to start being delivered on large sites in the High Peak, it could only be expected to deliver dwellings in the last 6 months of the five year period, which would reduce the Council's delivery assumptions. Nevertheless, no progress has been made on this site since the Local Plan examination over a year ago. The Council has provided no robust, up to date

evidence to support the deliverability of this site and therefore this site should not be included in the five year supply.

13.11 This results in a deduction of 45 dwellings from the Council's position.

Site 30 – G12 – Bute Street, Glossop (capacity = 30 dwellings, Council's five year supply = 23 dwellings)

13.12 This site is in Glossop and is adjacent to site G13, which is discussed below.

13.13 The Council considers that this site will deliver 23 dwellings in the five year period, 15 dwellings in 2020/21 and 8 dwellings in the 6 month period 1st April 2021 to 30th September 2021.

13.14 There is no relevant planning history. Even if an application were made on the site immediately, given the average time it takes for dwellings to start being delivered on large sites in the High Peak, it could only be expected to deliver dwellings at the very end of the five year period. Nevertheless, no progress has been made on this site since the Local Plan examination over a year ago. The Council has provided no robust, up to date evidence to support the deliverability of this site and therefore this site should not be included in the five year supply.

13.15 This results in a deduction of 23 dwellings from the Council's position.

Site 31 – G13 – Hawkshead Mill, Glossop (capacity = 31 dwellings, Council's five year housing land supply = 31 dwellings)

13.16 The Council considers that this site will deliver 31 dwellings in the five year period (starting in year 2 i.e. 2017/18).

13.17 The site does not have planning permission, but a resolution to grant outline planning permission for the demolition of the mill and erection of up to 31 dwellings was eventually made in July 2016 following the submission of an application nearly 3 years ago in November 2014 (LPA ref: HPK/2014/0573). Whilst there is no developer yet, I have assumed the permission will be issued, site sold, reserved matters applied for and approved and development completed within the five year period.

Site 32 – G16 – Woods Mill, Glossop (capacity = 104 dwellings, Council's five year housing land supply = 15 dwellings)

13.18 This site is allocated for 104 dwellings, but as above, 57 dwellings have already been granted permission (site 23) and I have included those in the five year supply. There is no evidence to indicate that the remainder of the site will deliver any further dwellings in the five year period. This means that 15 dwellings should be removed from the Council's supply.

Site 33 – G20 – Dinting Lane (capacity = 50 dwellings, Council's five year supply = 12 dwellings)

13.19 This site is located to the west of site 24 on Dinting Lane.

13.20 There is no relevant planning history. Even if an application were made on the site immediately, given the average time it takes for dwellings to start being delivered on large sites in the High Peak, it could only be expected to deliver dwellings at the very end of the five year period. Nevertheless, no progress has been made on this site since the Local Plan examination over a year ago. The Council has provided no robust, up to date evidence to support the deliverability of this site and therefore this site should not be included in the five year supply.

13.21 This results in a deduction of 12 dwellings.

Site 34 – G25 – Land off Melandra Castle Road, Gamesley (capacity = 35 dwellings, Council's five year supply = 35 dwellings)

13.22 The Council considers that this site will deliver all 35 dwellings in the five year period, and will start delivering dwellings in 2017/18. This is completely unrealistic; a planning application has not even been submitted on this site.

13.23 The site is to the north of the Samas Roneo site described above (site 01). There is no relevant planning history. Even if an application were made on the site immediately, given the average time it takes for dwellings to start being delivered on large sites in the High Peak, it could only be expected to deliver dwellings at the very end of the five year period. Nevertheless, no progress has been made on this site since the Local Plan examination over a year ago. The Council has not provided any robust, up to date evidence to support the deliverability of this site and therefore this site should not be included in the five year supply.

Site 35 – G26 – land adjacent to Gamesley Sidings (capacity = 38 dwellings, Council's five year supply = 27 dwellings)

13.24 The site is adjacent to the Samas Roneo site described above (site 01). There is no relevant planning application history but it is of note that the site has been allocated for over 11 years and has not delivered any dwellings. No progress has been made on this site since the Local Plan examination over a year ago. There is no robust, up to date evidence to support the deliverability of this site. It should be removed from the five year supply.

Site 36 – G32 – Adderley Place (capacity = 130 dwellings, Council's five year supply = 15 dwellings)

13.25 The site is located between Dinting Vale and Simmondley.

13.26 There is no relevant planning history. Even if an application were made on the site immediately, given the average time it takes for dwellings to start being delivered on large sites in the High Peak, it could only be expected to deliver dwellings at the very end of the five year period. Nevertheless, no progress has been made on this site since the Local Plan examination over a year ago. The Council has provided no robust, up to date evidence to support the deliverability of this site and therefore this site should not be included in the five year supply.

Site 37 – Bridge Mills, New Road, Tintwistle (capacity = 81 dwellings, Council's five year supply = 36 dwellings)

13.27 This site is not an allocation, but is included on the Council's schedule. The Council considers that this site will deliver 21 dwellings in 2020/21 and 15 dwellings in the 6 month period 1st April 2021 to 30th September 2021.

13.28 The site had outline planning permission for a mixed use redevelopment comprising 1,394 sq m of new business floorspace and up to 81 dwellings with all associated engineering operations, vehicle parking and landscaping (LPA ref: HPK/2011/0493). However, that expired well before the base date on 21st December 2014. The NPPF is clear that sites where planning permission has expired should not be included in the five year supply. It should be removed. There is no robust, up to date evidence to support the deliverability of this site. It should be removed from the five year supply.

13.29 This results in a deduction of 36 dwellings in the five year supply.

Site 38 – Woolley Bridge (capacity = 31 dwellings, Council's five year supply = 31 dwellings)

13.30 As with the site above, this site is not an allocation, but is included on the Council's schedule. The Council considers that this site will deliver 16 dwellings in 2018/19 and 15 dwellings in 2019/20.

13.31 On 30th June 2005, the Council granted outline planning permission at the site for up to 36 dwellings (LPA ref: HPK/2004/0745). Whilst subsequent applications for reserved matters were made, permission expired. On 20th December 2012, the Council again granted outline planning permission for up to 31 dwellings (LPA ref: HPK/2012/0545). However that permission expired well before the base date on 20th December 2015. The NPPF is clear that sites where planning permission has expired should not be included in the five year supply. There is no robust, up to date evidence to support the deliverability of this site. It should be removed from the five year supply.

13.32 This results in a deduction of 31 dwellings in the five year supply.

Site 39 – C3 – Derby Road, New Mills (capacity = 107 dwellings, Council's five year supply = 15 dwellings)

13.33 The site is located to the north east of New Mills.

13.34 There is no relevant planning history. Even if an application were made on the site immediately, given the average time it takes for dwellings to start being delivered on large sites in the High Peak, it could only be expected to deliver dwellings at the very end of the five year period. Nevertheless, no progress has been made on this site since the Local Plan examination over a year ago. The Council has not provided any robust, up to date evidence to support the deliverability of this site and therefore this site should not be included in the five year supply.

13.35 This results in a deduction of 15 dwellings in the five year supply.

Site 40 – C5, C6, C17, C18 – Ollersett Lane, Pingot Road, Laneside Road, New Mills (capacity = 239 dwellings, Council's five year supply = 13 dwellings)

13.36 The site is located to the east of New Mills.

13.37 There is no relevant planning history. Even if an application were made on the site immediately, given the average time it takes for dwellings to start being delivered on large sites in the High Peak, it could only be expected to deliver dwellings at the very end of the five year period. Nevertheless, no progress has been made on this site since the Local Plan examination over a year ago. The Council has not provided any robust, up to date evidence to support the deliverability of this site and therefore this site should not be included in the five year supply.

13.38 This results in a deduction of 13 dwellings in the five year supply.

Site 41 – C7 – Woodside Street, New Mills (capacity = 25 dwellings, Council's five year supply = 25 dwellings)

13.39 The Council considers that this site will deliver 25 dwellings in the five year period (starting in year 2, i.e. 2017/18).

13.40 The site is in New Mills and is occupied by a range of employment uses. There is no relevant planning history. It is not available. No progress has been made on this site since the Local Plan examination over a year ago. There is no robust, up to date evidence to support the deliverability of this site. It should be removed from the five year supply.

13.41 This results in a deduction of 25 dwellings in the five year supply.

Site 42 – C13 – Buxton Road, Chinley (capacity = 13 dwellings, Council's five year supply = 13 dwellings)

13.42 The Council considers that this site will deliver 13 dwellings in the five year period (starting in year 2, i.e. 2017/18).

13.43 The site is a small greenfield site in Chinley. There is no relevant planning history. No progress has been made on this site since the Local Plan examination over a year ago. There is no robust, up to date evidence to support the deliverability of this site. It should be removed from the five year supply.

13.44 This results in a deduction of 13 dwellings in the five year supply.

Site 43 – C15 – Britannia Mill, Buxworth (capacity = 50 dwellings, Council's five year supply = 50 dwellings)

13.45 The Council considers that this site will deliver 50 dwellings in the five year period (starting in year 3, i.e. 2018/19).

13.46 The site is a previously developed site in the Green Belt. The site had planning permission in the late 1980s for residential development, but this was not implemented (LPA ref: HPK/0002/6240). Even if an application were made on the site immediately, given the average time it takes for dwellings to start being delivered on large sites in the High Peak, it could only be expected to deliver dwellings at the very end of the five year period. Nevertheless, no progress has been made on this site since the Local Plan examination over a year ago. The Council has not provided any robust, up to date evidence to support the deliverability of this site and therefore this site should not be included in the five year supply.

13.47 This results in a deduction of 50 dwellings in the five year supply.

Site 44 – C16 – Furness Vale A6 (capacity = 39 dwellings, Council's five year supply = 39 dwellings)

13.48 The Council considers that this site will deliver 39 dwellings in the five year period (starting in year 2, i.e. 2017/18).

13.49 The site was removed from the Green Belt through the Local Plan. There is a history of unimplemented consents for a restaurant, petrol filling station and hotel but no recent planning application history. Even if an application were made on the site immediately, given the average time it takes for dwellings to start being delivered on large sites in the High Peak, it could only be expected to deliver dwellings at the very end of the five year period. Nevertheless, no progress has been made on this site since the Local Plan examination over a year ago. The Council has not provided any robust, up to date evidence to support the deliverability of this site and therefore this site should not be included in the five year supply.

13.50 This results in a deduction of 39 dwellings in the five year supply.

Site 45 – C20 – New Mills Newtown (capacity = 15 dwellings, Council's five year supply = 4 dwellings)

13.51 There is no relevant planning history. No progress has been made on this site since the Local Plan examination over a year ago. The Council has not provided any robust, up to date evidence to support the deliverability of this site and therefore this site should not be included in the five year supply.

13.52 This results in a deduction of 4 dwellings in the five year supply.

Site 46 – Marsh Lane (capacity = 37 dwellings, Council's five year supply = 37 dwellings)

13.53 This site is 2.81 ha in area. It is located off Marsh Lane in New Mills. The site is a former quarry, but has not been used for a number of years.

13.54 The site has a very long planning history:

- HPK/0003/2318 – residential development of 29 dwellings by J W Swindells Ltd – refused 13th May 1993;
- HPK/0003/3604 – residential development of 29 dwellings by J W Swindells Ltd – approved 30th June 1994;
- HPK/2001/0614 – variation of condition 1 of planning permission by changing 5 years to 7 years by J W Swindells Ltd – approved 18th February 2002;
- HPK/2004/1142 – residential development of 12 apartments and 11 houses by J W Swindells Ltd – withdrawn 18th January 2005;
- HPK/2012/0143 – residential development by J W Swindells Ltd – refused 28th September 2012 due to a lack of affordable housing;
- HPK/2013/0315 – residential development by J W Swindells Ltd – approved 11th September 2013; and
- HPK/2014/0185 – application to vary S106 relating to HPK/2013/0315 by J W Swindells Ltd – appeal dismissed 25th July 2014 (PINS ref: APP/H1033/Q/14/2217720).

13.55 Notwithstanding the above, a new planning application has recently been made by the Guinness Partnership (a local RSL) for 37 dwellings (LPA ref: HPK/2016/0476). The supporting statements explain that there is some HCA funding available to deliver the site and therefore, I include 37 dwellings in the five year supply from this site.

Site 47 – B6 – Hardwick Square South, Buxton (capacity = 30 dwellings, Council's five year supply = 30 dwellings)

13.56 The Council considers that this site will deliver 30 dwellings in the five year period (starting in year 2, i.e. 2017/18).

13.57 Whilst permission has been granted for the demolition of the existing industrial buildings, there is no guarantee that it would be redeveloped for housing. No further progress has been made on this site since the Local Plan examination over a year ago. There is no robust, up to date evidence to support the deliverability of this site. It should be removed from the five year supply.

13.58 This results in a deduction of 30 dwellings.

Site 48 – B7 – Market Street Depot, Buxton (capacity = 24 dwellings, Council's five year supply = 24 dwellings)

13.59 The Council considers that this site will deliver 24 dwellings in the five year period (starting in year 2, i.e. 2017/18).

13.60 There is no relevant planning history. No progress has been made on this site since the Local Plan examination over a year ago. There is no robust, up to date evidence to support the deliverability of this site. It should be removed from the five year supply.

13.61 This results in a deduction of 24 dwellings.

Site 49 – B10 – Land off Dukes Drive, Buxton (capacity = 338 dwellings, Council's five year supply = 50 dwellings)

13.62 The site is a greenfield site to the east of Buxton.

13.63 There is no planning history. Even if an application were made on the site immediately, given the average time it takes for dwellings to start being delivered on large sites in the High Peak, it could only be expected to deliver dwellings at the very end of the five year period. Nevertheless, no progress has been made on this site since the Local Plan examination over a year ago. The Council has not provided any robust, up to date evidence to support the deliverability of this site and therefore this site should not be included in the five year supply.

13.64 This results in a deduction of 50 dwellings in the five year supply.

Site 50 – B27 – Harpur Hill College Campus (capacity = 105 dwellings, Council's five year supply = 105 dwellings)

13.65 The Council considers that this site will deliver all 105 dwellings in the five year period (starting in year 2, i.e. 2017/18). This is completely unrealistic.

13.66 The site is a redundant educational establishment, but has since mostly been cleared. There is no relevant planning history. Even if an application were made on the site immediately, given the average time it takes for dwellings to start being delivered on large sites in the High Peak, it could only be expected to deliver dwellings at the very end of the five year period. Nevertheless, no progress has been made on this site since the Local Plan examination over a year ago. The Council has not provided any robust, up to date evidence to support the deliverability of this site and therefore this site should not be included in the five year supply.

13.67 This results in a deduction of 105 dwellings in the five year supply.

Site 51 – B31 – Station Road, Buxton (capacity = 30 dwellings, Council's five year supply = 18 dwellings)

13.68 The site is part of a wider regeneration area. However, there is no relevant recent planning history. Even if an application were made on the site immediately, given the average time it takes for dwellings to start being delivered on large sites in the High Peak, it could only be expected to deliver dwellings at the very end of the five year period. Nevertheless, no progress has been made on this site since the Local Plan examination over a year ago. The Council has not provided any robust, up to date evidence to support the deliverability of this site and therefore this site should not be included in the five year supply.

13.69 This results in a deduction of 18 dwellings in the five year supply.

Site 52 – Granby Road, Buxton (capacity = 74 dwellings)

13.70 This site is not an allocation, but is included on the Council's schedule. The Council considers that this site will deliver 74 dwellings in the five year period;

13.71 The site had outline planning permission for residential development of up to 104 dwellings (LPA ref: HPK/2010/0452). However, that expired on 14th December 2013. The NPPF is clear that sites where planning permission has expired should not be included in the five year supply. It should

be removed. There is no robust, up to date evidence to support the deliverability of this site. It should be removed from the five year supply.

13.72 This results in a deduction of 74 dwellings in the five year supply.

Summary in relation to allocations

13.73 The following table summarises my position regarding allocated sites:

Table 21: Summary of allocated sites

Site ref:	Address	Developer	No. of dwellings in the five year period		
			Council	Appellant	Difference
28	G2 – Paradise Street	-	4	0	-4
29	G3 – Roughfields	-	45	0	-45
30	G12 – Bute Street	-	23	0	-23
31	G13 – Hawkshead Mill	-	31	31	0
32	G16 – Woods Mill	-	15	0	-15
33	G20 – Dinting Lane	-	12	0	-12
34	G25 – Melandra Castle Road	-	35	0	-35
35	G26 – Gamesley Sidings	-	27	0	-27
36	G32 – Adderley Place	-	15	0	-15
37	Bridge Mills, Tintwistle	-	36	0	-36
38	Woolley Bridge	-	31	0	-31
39	C3 – Derby Road, New Mills	-	15	0	-15
40	C5, C6, C17, C18	-	13	0	-13
41	C7 – Woodside Street, New Mills	-	25	0	-25
42	C13 – Buxton Road, Chinley	-	13	0	-13
43	C15 – Britannia Mill	-	50	0	-50
44	C16 – Furness Vale A6	-	39	0	-39
45	C20 – New Mills Newtown	-	4	0	-4
46	Marsh Lane	-	37	37	0
47	B6 – Hardwick Square South	-	30	0	-30
48	B7 – Market Street Depot	-	24	0	-24
49	B10 – Dukes Drive	-	50	0	-50
50	B27 – Harpur Hill Campus	-	105	0	-105
51	B31 – Station Road	-	18	0	-18
52	Granby Road, Buxton	-	74	0	-74
	Total		771	68	-703

(e) Small sites windfall allowance

13.74 The Council includes a small sites windfall allowance of 90 dwellings per annum in years 4 and 5 of the five year period (30 dwellings each year in the Glossop, Central and Buxton areas).

13.75 Paragraph 48 of the NPPF states:

“Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.”

13.76 Paragraph 24 (Reference ID: 3-24-20140306) of the PPG: “How should a windfall allowance be determined in relation to housing?” states:

“A windfall allowance may be justified in the five-year supply if a local planning authority has compelling evidence as set out in paragraph 48 of the National Planning Policy Framework.”

13.77 The Local Plan Inspector was satisfied that the Council had demonstrated sufficiently compelling evidence for a windfall allowance in years 4 and 5 of the five year period of 90 dwellings in each year. Paragraph 60 of the Inspector's report states:

*“In its March 2015 based calculation of the land supply the Council has not included windfalls in the first 3 years to avoid double counting of sites with planning permission but has included an allowance for small sites in the last 2 years. The assumption is based on the number of extant planning permissions rather than any detailed annual assessment of past rates. Nonetheless, larger sites are not included and it is based on evidence of past permissions. In this context, I am satisfied that the evidence is sufficiently compelling that a windfall allowance should be made as proposed in the 5-year land supply”.
(my emphasis)*

13.78 As highlighted above, the Council's evidence at the time of the Local Plan examination was only based on extant planning permissions and not on any detailed assessment of past build rates. I have reviewed the monitoring reports and note that at 1st April each year there has

been an average of 367 dwellings with planning permission on small sites (i.e. with a capacity less than 20). This is set out in the following table:

Table 22: No. of dwellings with planning permission on small sites per monitoring year

	1st April 2011	1st April 2012	1st April 2013	1st April 2014	1st April 2015	Total	Average
No. of dwellings with planning permission on small sites	304	348	342	397	444	1,835	367

13.79 I have also reviewed the completions data and note that despite there being on average 367 dwellings with planning permission at the start of each monitoring year, the average number of completions on small sites is just 53 dwellings. This is set out in the following table:

Table 23: No. of dwellings completed on small sites

	2011/12	2012/13	2013/14	2014/15	2015/16	Total	Average
No. of dwellings completed on small sites	72	52	26	61	56	267	53

13.80 Consequently, in my view the Council cannot rely on the number of small sites with planning permission to justify a windfall allowance of 90 dwellings on small sites. The windfall allowance should be based on the average number of completions (i.e. 53 dwellings per annum).

13.81 This means that the windfall allowance should be reduced to 106 dwellings and there should be a deduction of 74 dwellings in the five year supply.

(f) Peak District windfall allowance

13.82 The Local Plan Inspector allowed a windfall allowance of 7 to 8 dwellings per annum from the part of the National Park, which is within the High Peak. This equates to 34 dwellings in the five year period, which I accept.

14. Summary regarding supply

14.1 The deductions I have made to the various categories are summarised in the table below:

Table 24: Summary of Appellant's position on supply

	No. of dwellings		
Status at base date	Council	Appellant	Difference
Sites with planning permission			
(a) Sites under construction	294	272	-22
(b) Small sites with planning permission	206	170	-36
(c) Large sites with planning permission	2,040	1,201	-839
Sites without planning permission			
(d) Allocations	771	68	-703
(e) Small sites windfall allowance	180	106	-74
(f) PDNPA contribution	34	35	0
Total	3,544	1,852	1,692

15. Conclusions

Five year housing land supply at 30th September 2016

- 15.1 In conclusion, based on a housing requirement of 350 dwellings per annum and a backlog of 1,064 dwellings to be made up over the plan period, (i.e. Liverpool method), the total five year requirement equates to 2,117 dwellings (i.e. 1,750 plus a proportion of the backlog equating to 367 dwellings).
- 15.2 A 20% buffer must also be demonstrated to provide a realistic prospect of achieving the five year requirement, which means the total supply that the Council must demonstrate would equate to 2,540 dwellings (i.e. 2,117 plus 20%). The average annual requirement with a 20% buffer is therefore 508 dwellings (i.e. 2,540 / 5 years).
- 15.3 On the supply side, my assessment is that the five year supply position at 1st April 2016 is 1,852 dwellings. Consequently, the five year supply equates to **3.65 years** as is summarised in the table on the following page. If the Sedgefield method were used, the supply would only be **2.74 years**.

Table 25: Summary of High Peak's Five Year Housing Land Supply

	Requirement	Liverpool	Sedgefield
A	Net annual requirement (2011 to 2031)	350	350
B	Five year requirement (A x 5 years)	1,750	1,750
C	Backlog 1 st April 2011 to 30 th September 2016	1,064	1,064
D	Backlog to be made up in five years	367	1,064
E	Total five year requirement (B+D)	2,117	2,814
F	Annual average (E / 5 years)	423	563
G	Buffer (20% of E)	423	563
H	Five year supply that must be demonstrated (E + G)	2,540	3,377
I	Annual average (G / 5 years)	508	675
	Supply		
J	Five year supply from 1 st October 2016 to 31 st March 2021	1,852	
	Sites with planning permission		
	(a) Sites under construction	272	
	(b) Small sites with planning permission	170	
	(c) Large sites with planning permission	1,201	
	Sites without planning permission		
	(d) Allocations	68	
	(e) Small sites windfall allowance	106	
	(f) PDNPA contribution	35	
K	Five year supply from 1 st October 2016 to 31 st March 2021 (J/I)	3.65	2.74

15.4 In summary, my evidence concludes that the Council cannot demonstrate a five year housing land supply by a significant margin. The implications of this are dealt with by Mr Gascoigne.

16. Appendices

EP1A – Letter to Council dated 9th May 2016

EP1B – E-mail response from Hilary Senior dated 18th May 2016

EP2 – E-mail from Barratt Homes re: delivery at Octavia Gardens and Beckett's Brow

EP3 – Assessment of lead-in-times

EP4 – Information relating to Samas Roneo

EP5 – Information relating to Hole House Mill

EP6 – Information relating to Waterswallows

EP7 – Information relating to sites off Hallsteads, Dove Holes

EP8 – Information relating to Forge Works

EP9 – Information relating to Dinting Road

EP10 – Information relating to Charlestown Works

EP11 – Information relating to Burlow Road

EP12 – Information relating to Foxlow Farm

EP13 – Information relating to land at Macclesfield Road