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PLANNING STATEMENT

APPLICANT: Wain Homes (North West) Ltd

SITE: Land South Of Dinting Vale, Glossop

DATE: 8 August 2022



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Chartered Town Planners



**Land South Of Dinting Vale, Glossop
Planning Statement
Wain Homes (North West) Ltd**

Report Drafted By	Report Checked By	Report Approved By
NB	NM	MH
03.08.2022	08.08.2022	08.08.22

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1. INTRODUCTION

BRIEF

- 1.1 Hourigan Planning is instructed by Wain Homes (North West) Ltd (hereafter referred to as "the Applicant") to produce a Planning Statement in support of a full planning application submitted to High Peak Borough Council (hereafter referred to as the "Council") relating to land to the south of Dinting Vale, Glossop (hereafter referred to as the "site"). The description of development in the application form is as follows:

'Proposed residential development comprising 100 dwellings including areas of public open space, landscaping and associated works.'

SCOPE

- 1.2 The application is accompanied by a number of supporting documents as identified in a freestanding document entitled Annex 1 which address key technical and site-specific planning matters to demonstrate why full planning permission should be granted.

PURPOSE

- 1.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. This Planning Statement will demonstrate that the proposals accord with the provisions of the Development Plan taken as a whole and that other material considerations also indicate that planning permission ought to be granted.
- 1.4 The purpose of this Planning Statement is as follows:
- To describe the site and surrounding area.
 - To examine any relevant previous planning decisions that have been made in relation to the site.
 - To identify any statutory or local planning-related designations affecting the site.
 - To provide details of the scheme that is now being brought forward.
 - To outline the other documents submitted in support of the proposals.



- To consider the proposed development having regard to the provisions of the Development Plan.
- To consider any other material considerations.
- To demonstrate that the planning balance lies clearly in favour of the proposals.

1.5 This document should be read in conjunction with the suite of documents submitted in support of the full planning application.



2. THE SITE & SURROUNDING AREA

SITE LOCATION

- 2.1 The application site is located to the south of Dinting Vale (A57) approximately 1.6km to the west of Glossop town centre and approximately 21km east of the centre of Manchester.
- 2.2 The general location of the site is provided below:

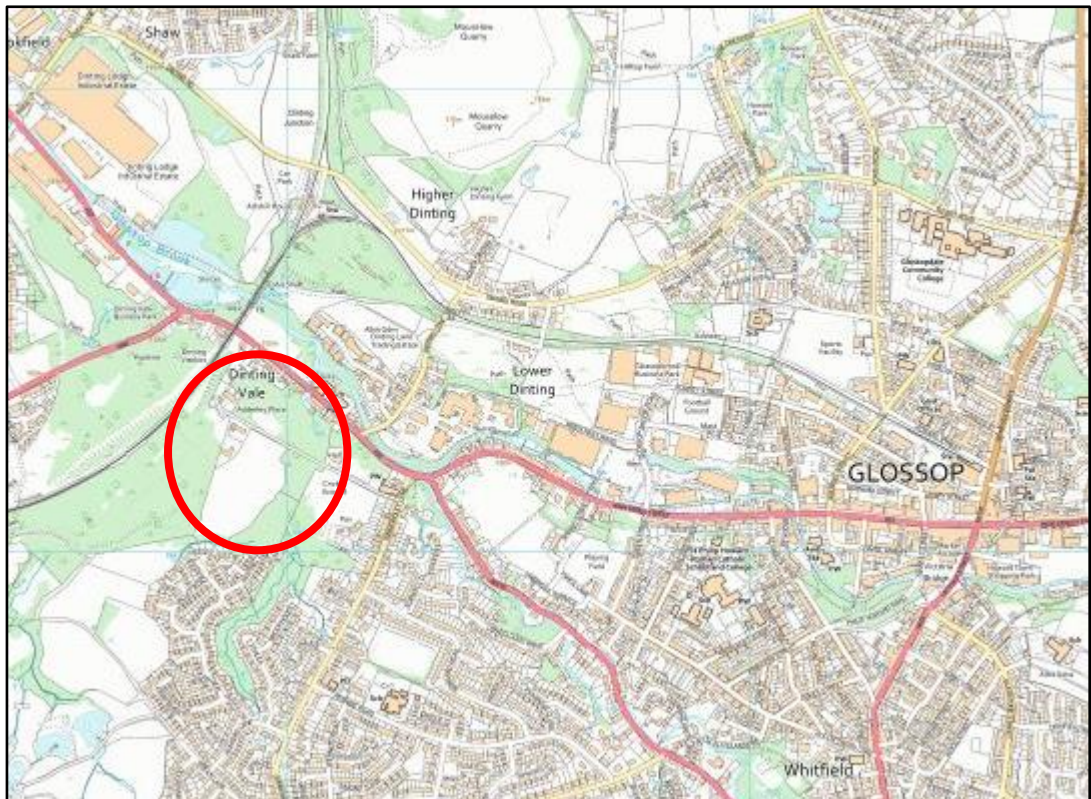


Figure 2.1 - General Location Of The Site Circled In Red.

SITE DESCRIPTION

- 2.3 The site extends to approximately 4.7 hectares in size and is currently accessed from Simmondley Lane via an unadopted road which traverses the site in an east west direction and which serves 1st Dinting Scout Centre and a limited number of houses collectively known as Adderley Place.



- 2.4 The northern section of the site (beyond the unadopted road) is overgrown with trees and shrubs. The topography within this area is sloping with ground levels falling northwards towards Dinting Vale (A57).
- 2.5 The southern portion of the site and to the south of the unadopted road is generally open grassland where the levels slope from west to east. It is unremarkable in terms of its appearance. The land does include some trees within the site but generally speaking these are located around the periphery and along the access track.
- 2.6 The site is currently used for horse grazing.
- 2.7 There is a Public Right of Way that follows the existing unadopted access road in the northern part of the site which is shown in Chapter 4. It is acknowledged that the current owners have permitted informal access across the main body of site by the general public but for the avoidance of any doubt that land is privately owned and there are no formal public rights of way across it.
- 2.8 The development proposes the creation of a new access point off Dinting Vale (A57) to the west of Dinting C Of E Primary School. An aerial photograph of the site is provided below showing the approximate site boundary and showing the proposed point of access for the development from Dinting Vale (A57).



Figure 2.2 - Aerial Image of the Site and Surrounding Area - See Submitted Location Plan for Official Site Boundaries.

SURROUNDING AREA

- 2.9 Immediately to the north and west (Adderley Place) of the site are existing residential dwellings which are accessed off the unadopted road from Simmondley Lane and from Dinting Vale (A57) respectively.
- 2.10 Dinting Church of England Primary School and Holy Trinity Church are located on the northern side of Dinting Vale (A57) with the buildings lying to the north east of the proposed access point to the development. It should also be noted that in the vicinity of the school and church is a traffic light controlled pedestrian crossing.
- 2.11 A further woodland area is located to the east of the site and within this is a stream, beyond this is Dinting Cricket Club.



2.12 Further housing is located beyond the site to the south.

2.13 To the west of the site is a woodland area and beyond this the Glossop to Manchester railway line.

ACCESSIBILITY

2.14 The site is situated within an accessible location in Dinting Vale approximately 1.6km away from the town centre of Glossop where there are a variety of shops and services to meet-day-to-day needs.

2.15 There are a significant number of local facilities within close proximity of the site and these include:

- Dinting Vale Primary School (50m from site).
- Gamesley Convenience Store (700m from site).
- Bluebell Wood Public House (700m from site).
- Co-op Supermarket, Pennine Road (850m from site).
- Post Office, Pennine Road (850m from site).
- Moorland Pharmacy (850m from site).
- Simmondley Dental Practice (850m from site).
- Tesco Supermarket, Wren Nest Road (850m from site).
- Tesco Pharmacy, Wren Nest Road (850m from site).
- ATM - Tesco, Wren Nest Road (850m from site).
- Hot Food Takeaway Pennine Road (850m from site).
- Doctors Simmondley Medical Practice (900m from site).
- Simmondley Primary School (950m from site).
- Nursery - Gamesley Early Excellence Centre (1.2km from site).
- Londis Convenience Store (1.2km from site).
- St Philip Howard Catholic Voluntary Academy Secondary School (1.2km from site).
- Aldi Supermarket Arundel Street (1.3km from site).
- Glossop Swimming Pool (1.4km from site).



- Howard Park (1.4km from site).
- A'bout Thyme Coffee Lounge/Café (1.4km from site).
- St Luke's C Of E Primary School (1.5km from site).
- Glossopdale School (High School and Sixth Form 1.8km from site).

2.16 In terms of public transport there are bus stops suitably located on both sides of the A57 in close proximity to the proposed site access and these bus stops are served by services 237, 341, 384 and the X57 which in combination provide regular services, seven days a week to numerous locations including Ashton-under-Lyne, Stalybridge, Mottram, Hollingworth, Hyde, Hattersley, Hazel Grove, Manchester, and Sheffield, amongst others.

2.17 Dinting Railway Station is located 700m north of the site access and is therefore, within easy walking distance of the site via the footpath adjacent to the viaduct to the west of the site. Dinting Railway Station offers regular direct services throughout the week, including services approximately every 30 minutes out of Glossopdale to Hattersley, Guide Bridge and Manchester Piccadilly, amongst others.

2.18 Further details relating to accessibility are to be found in the Transport Assessment submitted in support of the proposals.

SUMMARY

2.19 The application site lies in an accessible location, with good access to existing local amenities, facilities and public transport all of which are within walking and cycling distance of the site.



3. PLANNING HISTORY

3.1 A search of the Council's online interactive planning map has identified no relevant history on the application site or surrounding area.

3.2 It is also material to consider how the site was assessed by the Local Plan Inspector when it was put forward as a proposed allocation in the now adopted Local Plan. In that respect (and in response to duly made objections) Paragraph 187 of Inspector Moore's report notes the following in respect of the site specific policy (Policy DS 4):

"Adderley Place, Glossop, (Policy DS 4) is a greenfield site on the edge of Glossop where approximately 130 new dwellings are proposed. It is adjacent to existing properties and woodland and has a generally low visual impact in the wider landscape. A crucial issue is creating a new access to the site from the A57 and the additional traffic. The evidence does not indicate that these matters are insurmountable and the VTR has taken the access in account. The Council owns part of the site, which the trajectory shows as coming forward in the middle of the plan period. Subject to the addition of a requirement for a wildlife survey (MM81), the site is sound."



4. STATUTORY AND OTHER DESIGNATIONS

FLOOD RISK AND DRAINAGE

- 4.1 The site is located within Flood Zone 1, an area with a low probability of flooding. Flood Zones 2 and 3 are located directly adjacent to the north eastern site boundary, following the route of Glossop Brook. The scheme is accompanied by a Flood Risk Assessment that confirms that the proposals are acceptable in terms of flood risk.

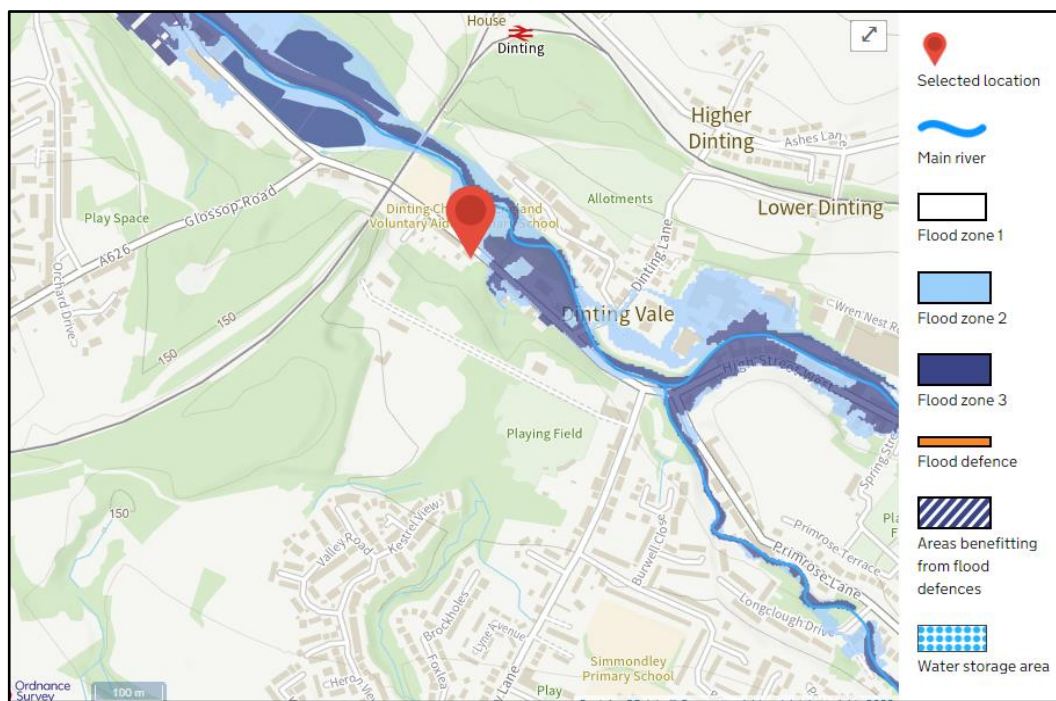


Figure 4.1 – Extract From Flood Map For Planning Not To Scale - Source: Environment Agency.

PUBLIC RIGHTS OF WAY (PROW)

- 4.2 According to the Council's interactive mapping system Public Right of Way Glossop FP 50 runs through the site along the existing unadopted access road as shown in Figure 4.2 below:

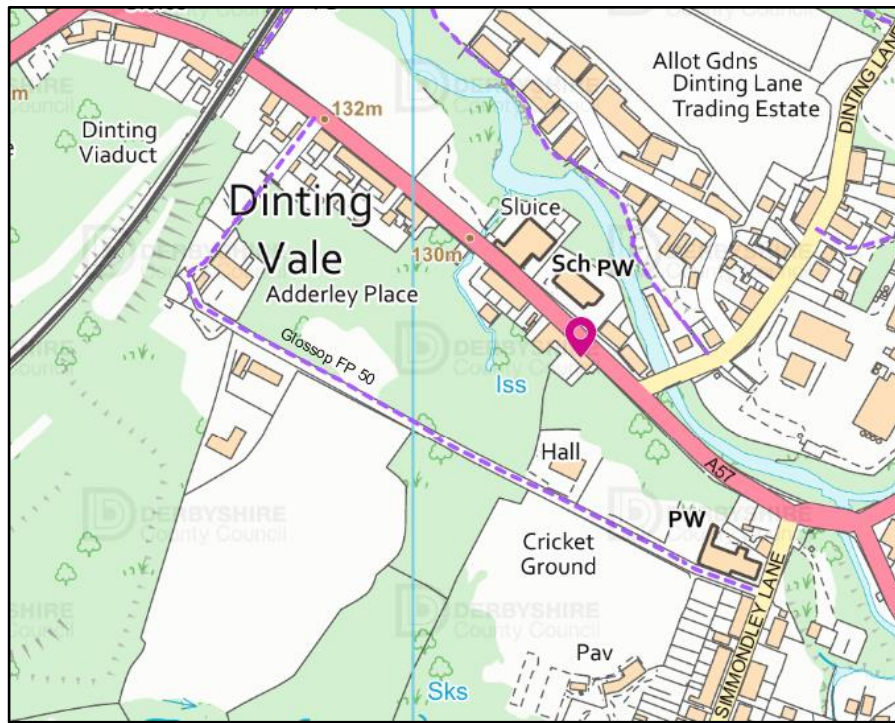


Figure 4.2 - PRoW Map.

TREE PRESERVATION ORDERS (TPOS)

- 4.3 The site is not affected by any Tree Preservation Orders (TPOs).
- 4.4 Notwithstanding the absence of a TPO an Arboricultural Impact Assessment and Arboricultural Method Statement has been submitted in support of this application to categorise the existing trees on site in terms of their quality. This confirms the proposals are acceptable in respect of trees. Moreover, the proposals provide for significant new tree planting and management which is a benefit of the scheme.

ECOLOGY

- 4.5 The site is not subject to any statutory ecological related designations nor are there any statutory national or local importance within 2 km of the site.
- 4.6 There are twenty locally designated wildlife sites within 2 km of the site, including thirteen Local Wildlife Sites (LWS), one District Wildlife Site (DWS) and six Potential LWSs.
- 4.7 Gamesley Sidings LWS is adjacent to the western site boundary and Dinting Wood is located approximately 60 metres west of the site beyond the railway line.



- 4.8 Dinting Vale Reservoirs and Brook LWS is located circa 80 metres north of the site (beyond the Primary School and Church) and it is acknowledged that the woodland to the east of the application site is hydrologically connected to this LWS by virtue of the stream that runs through it and which connects to Glossop Brook within the LWS.
- 4.9 As noted in the submitted ecology reports no direct impacts on these sites are anticipated. In terms of indirect impacts these can adequately be managed through appropriately worded conditions dealing with construction management and surface water so as to avoid any pollution.
- 4.10 The planning application is accompanied by an ecological assessment and various other botanical and ecological reports which have assessed the impacts on specific species such as Great Crested Newts, Badgers and Bats and confirms the proposals are acceptable from an ecological perspective with appropriate mitigation.

AIR QUALITY

- 4.11 According to the DEFRA web site part of Dinting Vale (A57) to the north of the site is located within an Air Quality Management Area. An Air Quality Assessment has been prepared and submitted as part of the application which concludes that the proposed scheme would have an insignificant impact on air quality. The scheme includes initiatives to help improve local air quality such as: the inclusion of electric vehicle charging points, a travel plan to help encourage sustainable modes of transport, extensive new tree planting and a construction management plan for the construction phase of the scheme.

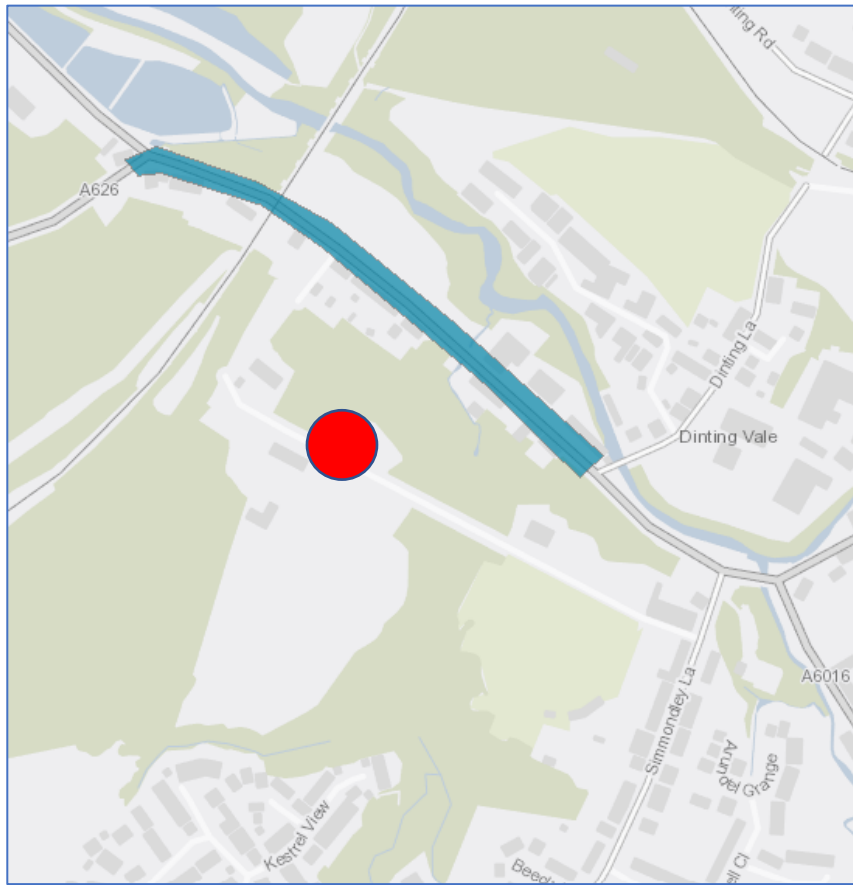


Figure 4.2 – Extract From DEFRA Online Map – AQMA Outlined In Dark Blue And Site In Red Circle.

HERITAGE

- 4.12 The application site does not include any listed buildings and is not within a Conservation Area. There are no Scheduled Ancient Monuments within the site boundaries and the site is not within a designated World Heritage Site. However, Holy Trinity Church just east of the proposed site access is a Grade II Listed Building. For this reason, a Heritage Statement has been submitted as part of the application which concludes that the impact on the setting of the Listed Building would be negligible.
- 4.13 A Written Scheme of Investigation has also been submitted with the application which confirms the nature of the archaeological works to be undertaken at the site comprising geophysical survey and trial trenching to establish the presence/absence of any archaeological remains. These works will be carried out prior to development commencing and can be secured by way of a standard planning condition.



LANDSCAPE

- 4.14 The Peak District National Park boundary encircles Glossop to the north, east and south. Notwithstanding that the site has been allocated for development in the adopted Development Plan a Landscape and Visual Impact Assessment has been submitted in support of the application which includes an assessment on the setting of the National Park. This concludes that the proposals are acceptable from a landscape and visual point of view.

SUMMARY

- 4.15 In summary the technical surveys and assessments undertaken in support of this application have informed the evolution of the proposed design, ensuring that relevant technical measures have been included in the detailed proposals.

5. THE PROPOSED SCHEME

DESCRIPTION OF DEVELOPMENT

5.1 The Applicant seeks full planning permission for the following development:

'Proposed residential development comprising 100 dwellings including areas of public open space, landscaping and associated works.'

ACCESS

5.2 Access to the site will be from Dinting Vale (A57). This will involve a substantial engineering operation given the existing levels (further details are shown in the Design and Access Statement submitted in support of the scheme). Furthermore, formation of the new junction with the adopted highway will necessitate the relocation of the existing western bound bus stop at Dinting Vale (A57). That relocation will be funded by the Applicant as part of a package of works secured under Section 278 Agreement of the Highways Act.

HOUSING MIX

5.3 The proposed scheme comprises a range of house types (10 in total), made up of 1, 2, 3 and 4 bedroom dwellings which include apartments, semi-detached and detached dwellings. The proposed mix of housing is illustrated below:

House Type	Bed No.	Type	Storey	Parking	No.	Sqft	Total Sqft	Split
Newton	4	Detached	2	I.Gar	11	1233	13563	11.00
Wordsworth	4	Detached	2.5	S. Garage	3	1308	3924	3.00
Shakespeare	4	Detached	2	I.Gar	3	1350	4050	3.00
Priestley	4	Detached	2	D.Gar	4	1528	6112	4.00
Jenner	3 + Study	Semi	2.5	Space	10	1099	10990	10.00
Nelson	3 + Study	Detached	2	I.Gar	8	1013	8104	8.00
Brunswick	3	Semi	2	Space	14	916	12824	14.00
Trevithick	2 + Study	Semi/ Mews	2	Space	21	816	17136	21.00
Brahms	2	Semi/Mews	2	Space	20	880	17600	20.00
Chinley	1	Apartment	2	Space	6		3020	6.00
		Total			100	Total	97323	100.00

Figure 5.2 – Extract From The Layout Showing The Proposed Mix.

5.4 The proposed scheme has been carefully considered in order to not only respond to current market demand and identified local needs, but to also reflect the character of the neighbouring residential area so as to complement the existing surrounding community.



- 5.5 The proposed dwellings are all at least two storeys with 2 house types being 2.5 storeys at key locations so as to act as a focal point. Some of the house types have chimneys to add variety to the roofscape.
- 5.6 The proposals provide a sufficient level of parking which is entirely appropriate for the location. This is discussed further in the Transport Assessment. New planting will be used to help soften any areas of frontage parking.
- 5.7 The scheme has been carefully designed to accord with local and national planning policy to achieve a high-quality development in this environment. The dwellings will be finished in Darlstone Buff Black Pitched Artstone and grey roof tiles which are entirely appropriate for the area. A comprehensive description of the design approach is provided within the Design and Access Statement which has been submitted in support of the application.

PUBLIC OPEN SPACE

- 5.8 The proposed scheme includes a substantial area of public open space (1.56 ha) which will serve the development, and which will clearly also be of benefit to all surrounding residents. This will also create an attractive environment around the PROW, the route of which is to be retained. The proposed open space will be maintained by a management company and the Applicant will not be looking to have the area adopted by the Council. There are a significant number of existing mature trees along the perimeter of the site of varying quality and these are proposed to be retained. This will of course help to screen the site and reduce the visual impact on the surroundings.

ECOLOGY

- 5.9 The scheme has the potential to deliver ecological enhancements through the creation of new habitat, tree planting and appropriate management. Further details are contained in the various ecological assessments which accompany the application.

FLOODING & DRAINAGE

- 5.10 A Flood Risk Assessment (FRA) has been submitted with this application which notes that a surface water drainage strategy should seek to implement a SuDS hierarchy that aspires to achieve reductions in surface water runoff rates to greenfield sites. The first choice of surface water disposal should be to discharge to an adequate soakaway or infiltration system, where practicable. If this is not reasonably practicable then discharge should be to a watercourse, with the last option being to a sewer (surface water before combined).



- 5.11 The FRA states that based on the information obtained from the initial ground investigations desktop study, infiltration-based SuDS are not considered a feasible method of surface water disposal from the site.
- 5.12 Therefore, surface water from the development will be attenuated in underground storage chambers before being discharged at appropriate rates to the nearby watercourses.
- 5.13 Overall, the development of the site should not be precluded on flood risk grounds.

PLANNING OBLIGATIONS

- 5.14 The Community Infrastructure Levy (CIL) Regulations came into force in April 2010. The levy is intended to provide infrastructure to support the development of an area rather than to make individual planning applications acceptable in planning terms. As a result, there may still be some site-specific impact mitigation requirements without which a development should not be granted planning permission.
- 5.15 Since the publication of CIL it has been unlawful for a planning obligation to be required as a material consideration in order for a planning authority to lawfully grant permission when determining a planning application for a development, or any part of a development, that is capable of being charged the levy, whether there is a local levy in operation or not, if the obligation does not meet all of the following tests. The obligation must be:
- a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development.
- 5.16 The Applicant will make contributions towards social infrastructure where the contributions sought meet the CIL Regulations and it is viable to do so.





6. PRE-APPLICATION CONSULTATION - HPBC & OTHER BODIES

PRE-APPLICATION DISCUSSIONS

- 6.1 The Applicant has carried out pre-application discussions with the Council prior to the application being submitted. A pre-application meeting was first held on 13 February 2020 with various Officers of the Council from Planning, Landscape, Trees, Regeneration, Ecology and Housing Strategy. Various matters were discussed including the principle of development, scope of application, layout, highways, Section 106 agreement contributions and viability matters. Further discussions have been held on an ad hoc basis following the meeting in February 2020.
- 6.2 Pre-application discussions have also been held with other bodies such as: National Highways, Derbyshire County Council, the Environment Agency and Derbyshire Wildlife Trust.
- 6.3 The pre-application discussion was a useful exercise and the feedback received from the various Officers has been factored into the planning application.



7. PRE APPLICATION COMMUNITY INVOLVEMENT

- 7.1 Prior to lodging this planning application, the Applicant carried out a public consultation exercise. This exercise consisted of sending letters to local residents as well as hosting on-site meetings with the Local Councillor and virtual meetings with the Local MP.

CONSULTATION WITH LOCAL RESIDENTS

- 7.2 Initially, the Applicant sent introductory letters to surrounding residents in October 2021 notifying them that Wain Homes had a formal interest in the site and it was their intention to submit a planning application for residential development in due course. The letter also let residents know that there would be various surveys carried out at the site to help get a better understanding of the land. The Applicant left contact details for anyone who wished to discuss the proposals in more detail.
- 7.3 A follow up letter was sent to surrounding residents in December 2021. This letter confirmed that most of the survey work had been undertaken and this was being used to help finalise the proposals.
- 7.4 Since December 2021 the Applicant has met with neighbouring residents to discuss the proposals on numerous occasions.
- 7.5 The details of the final scheme were shared with local residents in September 2022.

CONSULTATION WITH THE LOCAL COUNCILLOR AND THE MP

- 7.6 Following the initial letter posted to local residents, an on-site meeting was then held with the Local Ward Councillor, Stewart Gardner and representatives of Wain Homes to discuss the proposed development in November 2021.
- 7.7 A subsequent virtual meeting was then held with the Local MP Robert Lorgan in early December 2021 following initial queries put forward by local residents to the MP's office.
- 7.8 Both Councillor Gardner and Robert Lorgan MP were contacted in January 2022 by Wain Homes providing them both with a copy of the update letter sent to residents in December 2021.
- 7.9 In September 2022 the local Councillor and MP were given prior notification of submission of the application.



8. DOCUMENTS SUBMITTED IN SUPPORT OF THE FULL PLANNING APPLICATION

- 8.1 Annex 1 to the covering letter to the application sets out the documents submitted in support of the scheme. Extensive details have been provided to limit the need for pre-commencement and pre-occupation conditions.
- 8.2 The Council has been presented with a comprehensive suite of documents to enable it to fully assess and determine the application.
- 8.3 The documents submitted in support of the full planning application demonstrate that the site is suitable for development and that the proposals are technically deliverable.



9. THE DEVELOPMENT PLAN

INTRODUCTION

9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

“Where in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”.

9.2 In this instance, the Development Plan comprises the High Peak Local Plan which was adopted on 14 April 2016.

DECISION TAKING PRINCIPLES

9.3 In considering Development Plan policies it is necessary to apply the provisions of Paragraph 218 and 219 of the National Planning Policy Framework 2021 (hereafter referred to as the Framework) to determine their consistency with the Framework and therefore the weight to be afforded to them:

“218. The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement Framework has made.

219. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.

9.4 Accordingly, in considering Development Plan policies below we note any inconsistency with the Framework before determining the amount of weight the policy should be afforded in decision taking as well as looking at the provisions of the policy itself. Naturally where there is no inconsistency with the Framework a policy should be afforded full weight as a stand-alone exercise.

9.5 However it is also material to note that in dealing with Development Plan policies Paragraph 11 of the Framework requires that decisions should apply a presumption in favour of sustainable development (also known as the tilted balance test in respect of decision taking). Criterion 11 c)



and d) deal with the relevant tests for decision taking and they are reproduced at this point for ease of reference:

*“For **decision taking** this means*

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.

9.6 Footnote 8 of the Framework supplements Paragraph 11 d) reproduced above and states that:

“This includes for applications involving the provision of housing, where the LPA cannot demonstrate a 5-year supply of deliverable housing sites. (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years”.

9.7 In this case (and as explored further in Chapter 10) the Council accepts that it is not able to demonstrate a 5-year supply of deliverable housing land as required by Paragraph 74 of the Framework. Therefore, in accordance with the provisions of the Framework, policies which are the most important for determining the application are out-of-date and the tilted balance applies.

9.8 It is also material to reproduce Footnote 7 of the Framework which supplements Paragraph 11 d i)

“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage



assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change”.

- 9.9 None of the matters listed in Footnote 7 of the Framework apply to the application site.
- 9.10 As will be shown in this Chapter it is the Applicant's case that the proposals are compliant with the provisions of the Development Plan taken as a whole, notwithstanding that some of the policies are inconsistent with the Framework (as will be demonstrated below) and attract reduced or no weight and that the Development Plan is out-of-date because the Council is unable to demonstrate a 5 year supply of deliverable dwellings.
- 9.11 Given the absence of a 5 year supply of deliverable dwellings the most important policies for determining the application are out-of-date. That means the tilted balance test in Paragraph 11 d applies. In that respect none of the matters in Paragraph 11 d i) and Footnote 7 apply here leaving the decision taker to consider Paragraph 11 d ii). In that respect it will be demonstrated throughout this Statement and in the supporting documents to the application that any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in the Framework taken as a whole.

HIGH PEAK LOCAL PLAN

- 9.12 An extract from the Proposals Map of adopted High Peak Local Plan is shown below.

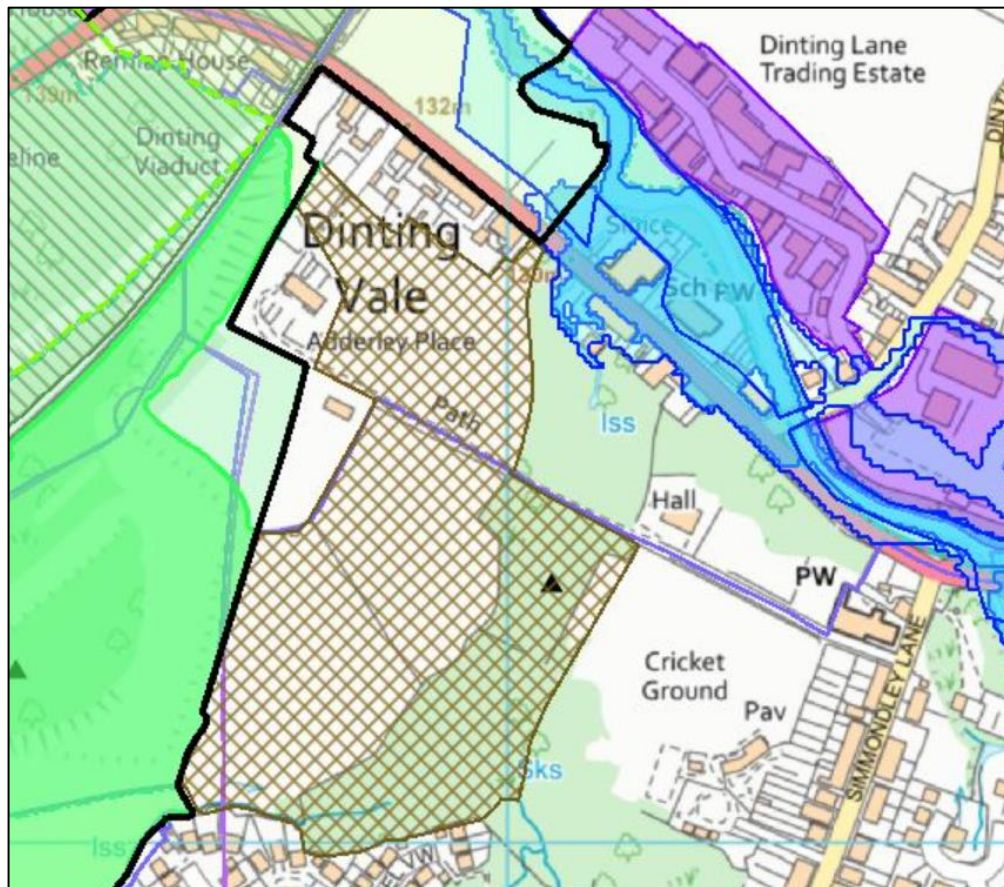


Figure 9.1 – Extract From Interactive Proposals Map.

9.13 According to the adopted Proposals Map the site is within the built-up area of Glossop and allocated for housing as shown by brown hatching above where Policies H 1 (Location of Housing Development) and DS 4 (Adderley Place, Glossop) are relevant.

RELEVANT POLICIES OF THE HIGH PEAK LOCAL PLAN

9.14 The following policies are the most important for determining the application:

POLICY DS 4 – ADDERLEY PLACE, GLOSSOP

9.15 Policy DS 4 allocates the site and land to the east of it for approximately 130 dwellings. The policy lists 7 requirements that the Council expects proposals to comply with and the application has addressed each of the criteria as follows:



- A Transport Assessment accompanies the planning application which concludes that the proposed access is acceptable and that the residual cumulative impacts of the development on the road network will not be severe.
- Affordable housing will be dealt with through the course of the planning application however it should be noted that the application is accompanied by a Viability Assessment which demonstrates that the provision of affordable housing is not viable.
- Financial Contributions towards local infrastructure and services will be discussed throughout the course of the planning application. The Applicant will make contributions towards social infrastructure where the contributions sought meet the CIL Regulations and it is viable to do so; again reference should be made to the submitted Viability Assessment.
- A Flood Risk Assessment, Ground Investigation Report and Geo-Environmental Desk Study accompany this application, all of which confirm that the proposals are acceptable subject to standard mitigation measures. Relevant mitigation measures as set out in the accompanying reports can all be secured by standard planning conditions.
- A detailed Arboricultural Impact Assessment and Landscaping Plan accompanies the application which shows the retention of the mature trees, new tree planting and habitat creation.
- A Written Scheme of Investigation for Archaeological Works has been submitted with this application, again this can be secured by way of a standard planning condition.
- An Ecological Assessment and various other botanical and ecological reports have been submitted with this application.

9.16 In summary, the proposed development complies with the requirements of Policy DS 4.

POLICY S 1 - SUSTAINABLE PRINCIPLES

9.17 Policy S1 establishes the principle of sustainable development in accordance with the Framework. The proposed development accords with this policy through:



- The provision of homes on a site allocated for housing within an accessible location within the Settlement Boundary of Glossop; it therefore provides for housing within the Glossop community in compliance with criterion 1 of the policy.
- The gross site area is circa 4.7 hectares but having regard to site constraints (topography, trees and the unadopted road running through the site) only 2.5 hectares is developable for housing. The scheme therefore achieves a gross density of 21 dwellings per hectare and a net density of 40 dwellings per hectare which is considered an efficient and effective use of land in compliance with criterion 2 and 3 of the policy.
- The scheme fully takes into account local character and further details are given in the Design and Access Statement submitted in support of the scheme. The proposals are compliant with Criterion 4 of the policy.
- The scheme will have no adverse impacts on the setting of the nearby Grade II listed Church, archaeological works can be secured by condition, trees can be protected during construction as can wildlife. The scheme also provides for new tree planting and habitat creation. The submitted Landscape and Visual Impact Assessment notes no adverse impacts on the setting of the Peak District National Park. The proposals are therefore compliant with criterion 4 and 5 of the policy.
- The proposals provide for 1, 2, 3 and 4 bed homes in 10 different house and apartment types in a demonstrably sustainable location that has already been found to be acceptable in principle for housing development through adoption of the Local Plan. The proposed dwellings will appeal to a broad section of the community. Accordingly it is considered that the proposals comply with criterion 6 of the policy.
- The proposals will have benefits for the local economy during the construction phase. Once built new residents will obviously create expenditure within the local economy all to the benefit of the local community. Accordingly it is considered that the proposals comply with criterion 7 of the policy.
- As noted in Chapter 2 the site is in a highly accessible location. The proposals also include a travel plan to help minimise reliance on the private motor vehicle. Accordingly it is considered that the proposals comply with criterion 8 of the policy.
- The proposals provide for suitable mitigation in relation to nature conservation and will provide for a net gain in biodiversity. All of these matters can be secured by way



of standard planning conditions. Accordingly it is considered that the proposals comply with criterion 9 of the policy.

- The proposals are accompanied by an Energy & Sustainability Statement which explain the approach to building sustainably. Accordingly it is considered that the proposals comply with criterion 10 and 11 of the policy.
- The proposals are accompanied by a Flood Risk Assessment and Drainage Strategy that has adopted the drainage hierarchy in determining the most appropriate method for dealing with surface water. The proposals will not increase the risk of flooding elsewhere. Accordingly it is considered that the proposals comply with criterion 12 of the policy.
- The proposals will result in the creation of a high quality, locally distinctive and inclusive design as demonstrated through the submitted Design & Access Statement. Accordingly it is considered that the proposals comply with criterion 13 of the policy.
- The proposals include for generous amounts of open space and adequate separation between dwellings. The scheme will foster a healthy, safe and attractive living environment. Accordingly it is considered that the proposals comply with criterion 14 of the policy.
- As noted previously the site is highly accessible and contributions will be made towards social infrastructure where such requests meet the CIL Regulations and it is viable to do so. Accordingly it is considered that the proposals comply with criterion 15 of the policy.

POLICY S 1A - PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

- 9.18 Policy S1a seeks to reflect the presumption in favour of sustainable development (also known as the tilted balance) test originally contained in Paragraph 14 of the 2012 version of the Framework. The tilted balance test and associated footnotes have since been up-dated in the current version of the Framework (July 2021) with the latest version featuring different wording and hence Policy S1 a is inconsistent with the Framework and should be afforded no weight. In applying the presumption in favour of sustainable development test reference should just be made by the Council to Paragraph 11 of the 2021 Framework and that is dealt with further in Chapter 10.



POLICY S 2 – SETTLEMENT HIERARCHY

- 9.19 Policy S2 states that development will be directed towards the most sustainable locations in accordance with the settlement hierarchy. The policy defines Glossop as a Market Town which are the areas which will be the main focus for housing amongst other things.
- 9.20 The site is allocated for housing in a sustainable location therefore the proposal complies with the requirements of Policy S2.

POLICY S 3 – STRATEGIC HOUSING DEVELOPMENT

- 9.21 Policy S3 states that provision will be made for at least 7,000 dwellings over the period 2011-2031 at an average annual development rate of 350 dwellings. This site is identified as being within Glossopdale which will need to provide 958-1,242 dwellings over the Plan period.
- 9.22 Policy S3 confirms that the target will be met from larger sites allocated in Policy H2 and it expects 558-842 of those dwellings to come from allocated sites within Glossopdale which include application site.
- 9.23 Approval of the application will clearly assist the Council in delivering the housing requirement within the Glossopdale area and meeting the Council's housing need.

POLICY S 5 - GLOSSOPDALE SUB-AREA STRATEGY

- 9.24 Policy S5 states that the Council will seek to promote the sustainable growth of Glossopdale whilst promoting and maintaining the distinct identity of its settlements, provide an increasing range of employment opportunities, promoting the growth of a sustainable tourist economy and meeting the housing needs of the local community.
- 9.25 The site is allocated for housing and the suite of technical reports demonstrates the proposals can be delivered without adverse impacts. Clearly there are no conflicts between the application proposals and Policy S5.

POLICY H 1 - LOCATION OF HOUSING DEVELOPMENT

- 9.26 Policy H1 sets out *inter alia* that the Council will support the development of specific sites through new site allocations in the Local Plan.
- 9.27 The site is allocated for housing therefore the proposals comply with Policy H1.



POLICY H 2 - HOUSING ALLOCATIONS

- 9.28 Policy H2 lists the sites allocated for housing and states that the Council will work with developers and the local community to bring forward sustainable developments in accordance with the other policies in the Local Plan. The policy provides an indicative number of dwellings for each site based on net developable areas and known constraints (at the time the Local Plan was adopted) and acknowledges that the actual number of dwellings delivered on each site may therefore differ subject to more detailed information at the time of any application.
- 9.29 The site is listed as part of a housing allocation referred to as Adderley Place which is expected to deliver approximately 130 dwellings (emphasis added). Whilst the proposals are for slightly less dwellings than that expected in Policy H2 that can adequately be explained because the application process is a much more rigorous technical process than the Development Plan process in terms of establishing a net developable area.
- 9.30 There is no conflict between the application proposals and Policy H2 as the dwelling numbers set out in the policy for the site are not definitive.
- 9.31 The policy also sets out an indicative phasing strategy noting that the site was planned to come forward in the middle phase (2021-2026) of the Plan period. Clearly the scheme is coming forward as planned and subject to the prompt approval of the application and a timely start on site the scheme could be expected to be substantially complete by 31 March 2026.

POLICY H 3 - NEW HOUSING DEVELOPMENT

- 9.32 Policy H3 list various requirements for new residential developments. For each of the requirements the following points are relevant to the proposals:
- In relation to affordable housing criterion a of the policy states that this should be in accordance with Policy H4. It is noted that Policy H4 allows for a reduction in affordable housing provision subject to viability evidence being provided via a financial appraisal. Affordable Housing provision will be dealt with during the consideration of the application and it should be noted that the application is accompanied by a Viability Assessment that demonstrates that affordable housing provision is not viable
 - The Strategic Housing Market Assessment and Housing Needs Study (April 2014) at Paragraph 11.14 concluded that:



"through the application of various assumptions on housing need by household type, the results suggested that based on the characteristics of existing and new residents in High Peak in the plan period up to 2031, there would be a need for the follow:

- 1. An increased need for 1 bed apartments in the order of 25%.*
- 2. An increased need for 2 bed apartments/houses/bungalows in the order of 32% for High Peak Borough.*
- 3. A decreased need for 3 bed apartments/houses/bungalows in the order of -3%.*
- 4. An increased requirement for 4 bed semi and detached houses in the order of 6%".*

In relation to criterion b of Policy H3, the scheme provides for dwellings ranging from 1 - 4 beds and in 10 different dwelling types. Therefore, it will clearly appeal to a broad section of the community and contribute positively to the stock of housing in an area which has an acknowledged deficiency. The proposed house types can reasonably meet the requirements and future needs of a wide range of household types.

- In relation to criterion c of the policy the proposed mix of dwellings contributes positively to creating an inclusive community taking into account the characteristics of existing housing in the surrounding locality. Clearly there is no conflict between the types of homes proposed and those that already exist in the area.
- In relation to criterion d of the policy the proposals include a proportion of homes for newly forming households that is evident through the provision of 1 and 2 bed dwellings.
- The wording of criterion e of the policy is worthy of note in that it states the Council will support dwellings built to the standard listed in the policy. From a decision taking perspective that is quite different to the standards being a policy requirement. The Council will no doubt be aware of the requirements of the Framework and Planning Practice Guidance¹ with regard to policies requiring

¹ See: <https://www.gov.uk/guidance/housing-optional-technical-standards>



compliance with Nationally Described Space Standards and the need for such policies to be viability tested. Our understanding is that the extant Local Plan was not subject to such testing and perhaps understandably that is why the policy is not drafted as requiring compliance with the standards rather that such dwelling types will be supported. In that respect all dwellings would meet the Nationally Described Space Standards and the apartments (Chinley housetype) will meet the Optional Requirement M4 (2) of Part M of the Building Regulations.

POLICY H 4 - AFFORDABLE HOUSING

- 9.33 Policy H4 requires 30% affordable housing provision within schemes of 25 dwellings or more. It also states that where the provision of affordable houses proposed is below the requirements, the Council will require applicants to provide evidence by way of a financial appraisal to justify a reduced provision.
- 9.34 A Viability Assessment accompanies the planning application therefore affordable housing provision will be dealt with during the application process. However it is considered that the applicant has provided sufficient evidence to demonstrate that affordable housing provision is not viable and hence it is considered that there are no conflicts between the proposals and Policy H4.

POLICY CF 3 - LOCAL INFRASTRUCTURE

- 9.35 Policy CF3 seeks to ensure that suitable arrangements will be put in place to improve infrastructure, services and community facilities, where necessary to mitigate the impact of development. The Applicant will make contributions to social infrastructure where the contributions sought meet the Community Infrastructure Levy Regulations and it is viable to do so. A Viability Assessment and Education Assessment are submitted with the application where these matters are dealt with in more detail.

POLICY CF 4 - OPEN SPACE, SPORTS AND RECREATION FACILITIES

- 9.36 Policy CF4 seeks to ensure that the Council will protect, maintain and where possible enhance existing open spaces, sport and recreational buildings and land including playing fields in order to ensure their continued contribution to the health and wellbeing of local communities.
- 9.37 The site is allocated for housing and is not an area of open space which the council wishes to protect therefore some of the requirements of Policy CF4 are not relevant to the proposals.



- 9.38 Bullet points 3, 4 and 5 relate to residential developments making improvements towards public open space and sports facilities, allotment provision and off-site recreation facilities.
- 9.39 The Design and Access Statement states that there will be 1.56 hectares of public open space provided for the development which is a significant area and will benefit existing and new residents. This public open space mainly comprises of landscaped areas to the north and south, landscaped areas either side of the existing PROW, and landscape buffers around the perimeter of the site.
- 9.40 The applicant will make contributions to additional open spaces off site (for example play provision) if any further contributions sought meet the Community Infrastructure Levy Regulations and it is viable to do so.

POLICY CF 6 - ACCESSIBILITY AND TRANSPORT

- 9.41 Policy CF6 requires *inter alia* that development can be safely accessed in a sustainable manner and in that respect the site has been considered to be sustainable by the Council when it allocated the site for housing. Moreover this Planning Statement and the accompanying supporting documents have shown that the site is in a highly sustainable and accessible location. The proposals will necessitate the relocation of the existing bus stop at Dinting Vale (A57) and these works will be funded by the developer as part of a Section 278 Agreement under the Highways Act when the new junction with the adopted highway is formed.

POLICY CF 7 - PLANNING OBLIGATIONS AND COMMUNITY INFRASTRUCTURE LEVY

- 9.42 Policy CF7 sets out that development proposals will be required to provide, or meet the reasonable costs of providing, the on-site and off-site infrastructure, facilities and/or mitigation necessary to make a development acceptable in planning terms through the appropriate use of planning obligations and/or conditions subject to viability.
- 9.43 As mentioned above, The Applicant will make contributions to social infrastructure where the contributions sought meet the Community Infrastructure Levy Regulations and it is viable to do so. In that regard, a Viability Assessment and Education Assessment are submitted with the application where these matters are dealt with in more detail.

POLICY EQ 1 - CLIMATE CHANGE

- 9.44 Policy EQ1 encourages all development to incorporate energy efficiency within development proposals so far as is appropriate. The policy states amongst other points, that a low carbon future for High Peak will be achieved by requiring new development to be designed to contribute to



achieving national targets to reduce greenhouse gas emissions by using land-form, layout, building orientation, tree planting, massing and landscaping to reduce likely energy consumption and resilience to increased temperatures.

- 9.45 In this instance, the Applicant will take a fabric first approach to energy efficiency with the development being in conformity with the latest Building Regulations. Furthermore, the proposals introduce the use of electric vehicle charging points to all dwellings which will help encourage the use of electric cars reducing reliance on fossil fuels. The layout also provides a substantial soft landscaping scheme which includes the retention of significant trees.
- 9.46 Further details about the scheme's sustainable building approach is set out in the Energy & Sustainability Statement submitted in support of the scheme.

POLICY EQ 2 - LANDSCAPE CHARACTER

- 9.47 Policy EQ2 states that the Council will seek to protect, enhance and restore the landscape character of the Plan Area for its own intrinsic beauty and for its benefit to the economic, environmental and social well-being of the Plan Area.
- 9.48 Whilst the site has been allocated for housing and the Council expects the site to be developed a Landscape Impact Assessment has been submitted in support of this application. In this instance, the proposal has paid particular regard to maintain the existing mature vegetation on the site's perimeter as well as proposing to introduce significant planting within the development.
- 9.49 In addition, the proposed development has taken into account the landscape impact on the setting of the Peak District National Park and the submitted Landscape Impact Assessment demonstrates that the proposed development would protect the character, appearance and local distinctiveness of the landscape and landscape setting of the Peak District National Park.

POLICY EQ 5 - BIODIVERSITY

- 9.50 Policy EQ5 explains that when considering proposals which could have an impact on wildlife, plant life or geological features, the Council will wish to be satisfied that the potential benefits to nature conservation have been fully taken into account in the design of the scheme and its subsequent maintenance and management. This is a scheme that does not adversely affect biodiversity but provides opportunities to secure biodiversity enhancements. The proposals comply with Policy EQ5.



POLICY EQ 6 - DESIGN AND PLACE MAKING

- 9.51 Policy EQ6 considers design and place-making within the Borough and identifies that all development should be well designed and of a high quality that responds positively to both its environment and the challenge of climate change.
- 9.52 The proposed development will complement the existing surrounding residential area and enhance the character and appearance of the surroundings. The proposed scheme will meet the needs of future occupiers through the provision of high-quality homes.
- 9.53 The proposals will result in the loss of some vegetation, but satisfactory mitigation will be provided through replacement and new planting.
- 9.54 The proposed development will have no unacceptable impact on the amenity of neighbouring properties through noise, loss of privacy, overshadowing or traffic.
- 9.55 The proposal comprises a development that is easy to move through and around incorporating well integrated car parking and pedestrian routes to existing informal footpaths on the perimeter of the site.
- 9.56 The full design rationale for the scheme is set out in the Design & Access Statement submitted in support of the proposals.

POLICY EQ 7 - BUILT AND HISTORIC ENVIRONMENT

- 9.57 Policy EQ7 requires development proposals to contribute positively to the character of the built and historic environment.
- 9.58 A Heritage Statement accompanies this application which demonstrates that the proposed development has been deemed to have a negligible impact to the setting of the nearby Grade II Listed Holy Trinity Church. Furthermore, a Written Scheme of Investigation has also been submitted with the application which confirms the nature of the archaeological works to be undertaken at the site comprising geophysical survey and trial trenching to establish the presence/absence of any archaeological remains. These works will be carried out prior to development commencing and can be controlled by condition.

POLICY EQ 8 - GREEN INFRASTRUCTURE

- 9.59 Policy EQ8 requires development proposals to protect and enhance networks of Biodiversity and Green Infrastructure.



9.60 The proposals provide for suitable mitigation in relation to nature conservation and will provide for a net gain in biodiversity. It is worth noting that the layout responds to existing green infrastructure by retaining the majority of trees around the site's boundaries and new landscaping will be introduced across the site. Furthermore, the layout has been designed to retain the existing PROW which will be protected and enhanced by being made more attractive with new tree planting. As mentioned under Policy CF4 the Applicant will make contributions to additional green infrastructure off site if the contributions sought meet the Community Infrastructure Levy Regulations and it is viable to do so.

POLICY EQ 9 - TREES, WOODLANDS AND HEDGEROWS

9.61 Policy EQ9 identifies that the Council will protect existing trees, woodlands and hedgerows. The proposed scheme retains the majority of trees around the site's boundaries. Whilst there may be some loss of trees and vegetation within the site, these will be mitigated through replacement planting and any losses will be compensated for.

POLICY EQ 10 - POLLUTION CONTROL AND UNSTABLE LAND

9.62 Policy EQ10 seeks to protect people and the environment from unsafe, unhealthy and polluted environments.

9.63 This application is submitted with a suite of supporting documents that address impacts of the development on matters concerning noise, air quality, land contamination and light pollution. Each assessment has identified that such polluting effects are controlled and would not be of any detriment to the site, the amenity of nearby existing residents or any future occupying residents of the site itself.

9.64 The site's ground conditions and land stability have been identified as being suitable for residential use.

POLICY EQ 11 - FLOOD RISK MANAGEMENT

9.65 Policy EQ 11 states that the Council will support development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere, where this is viable and compatible with other policies aimed at achieving a sustainable pattern of development. The application is accompanied by a Flood Risk Assessment and Drainage Strategy that confirms that the proposals are acceptable in terms of flood risk.



SUMMARY

- 9.66 It has been demonstrated above that the proposed development complies with the provisions of the Development Plan notwithstanding that some policies are out of date by virtue of not being consistent with the Framework and the Development Plan is out of date because the Council is unable to demonstrate a 5 year supply of deliverable dwellings.
- 9.67 Commensurate with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the application should be approved unless material considerations indicate otherwise.
- 9.68 We now go on to discuss other material considerations relevant to the determination of the subject application in Chapter 10.



10. OTHER MATERIAL CONSIDERATIONS

INTRODUCTION

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 10.2 Material considerations must be genuine planning considerations, i.e. they must be related to the development and use of land in the public interest. The considerations must also fairly and reasonably relate to the application concerned (R v Westminster CC ex-parte Monahan 1989 refers).
- 10.3 The courts are the arbiters of what constitutes a material consideration. All the fundamental factors involved in land-use planning are included, such as the number, size, layout, siting, design and external appearance of buildings and the proposed means of access, together with landscaping, impact on the neighbourhood and the availability of infrastructure.
- 10.4 The Courts have also held that the Government's statements of planning policy are material considerations which must be taken into account, where relevant, in decisions on planning applications. These statements cannot make irrelevant any matter which is a material consideration in a particular case. But where such statements indicate the weight that should be given to relevant considerations, decision-makers must have proper regard to them. If they elect not to follow relevant statements of the Government's planning policy, they must give clear and convincing reasons (E C Grandsen and Co Ltd v SSE and Gillingham BC 1985 refers).
- 10.5 Emerging policies, in the form of draft policy statements and guidance, can be regarded as material considerations, depending on the context. Their existence may indicate that a relevant policy is under review; and the circumstances which have led to that review may need to be taken into account.
- 10.6 In those cases where the Development Plan is not relevant, for example because there are no relevant policies, or policies in the Development Plan Documents pull in opposite directions so that there is no clear guide for a particular proposal, the planning application should be determined on its merits in the light of all the material considerations.
- 10.7 In this case the following material considerations are relevant.



NATIONAL PLANNING POLICY FRAMEWORK

- 10.8 The Framework was last revised in July 2021, replacing the previous version of the Framework published in February 2019, and sets out the Government's planning policies for England and how they should be applied.
- 10.9 In general terms we consider that the Framework significantly supports the case for granting planning permission for the proposed development.

ACHIEVING SUSTAINABLE DEVELOPMENT

- 10.10 Before examining the various elements of the Framework, it is emphasised that sustainability is not simply about accessibility between a site and facilities; it encompasses much broader issues which are defined in Paragraph 8 of the Framework as three objectives; namely economic, social and environmental. These objectives are considered to be interdependent and need to be pursued in mutually supportive ways. In relation to these objectives, we would comment as follows:

ECONOMIC

- 10.11 It is considered that the application proposals are fully commensurate with the economic objective of sustainable development and will represent a significant economic boost for the area both during construction and once occupied.
- 10.12 The construction of the scheme will contribute to generating full-time equivalent (FTE) jobs within the construction industry over the build period which would be a benefit to the economy of the local area.
- 10.13 Moreover, the proposals will also generate an additional expenditure within the local economy, supporting local shops, services and businesses. This level of expenditure would in turn support jobs in the borough as well as potentially creating additional public sector jobs as a direct consequence of the proposals and additional residents.
- 10.14 New residents occupying the development would also generate demand for health, education, and other services near the site, thus supporting further public sector employment.
- 10.15 Lastly, the proposals would generate an additional capital receipt for High Peak Borough Council via New Homes Bonus Payments, based on the properties adding to the net supply of housing in the Borough.



SOCIAL

- 10.16 The proposals will facilitate the creation of jobs within the local labour pool, both during the construction and the operational phase.
- 10.17 The development of this site will make a meaningful contribution to meeting the housing need within the local community.
- 10.18 The site is well located in relation to local services and has the potential to reduce reliance on the private motor vehicle.
- 10.19 For these reasons, it is considered that the proposals will also be socially sustainable in the local context.

ENVIRONMENTAL

- 10.20 The site is not subject to any statutory ecological designations, nor is it within an area at risk of flooding. The proposed development will not result in any detrimental impact on the environment or local amenity. The proposals comprise a high-quality development which is sympathetic to, and in-keeping with, the surrounding uses.

INTERDEPENDENCY

- 10.21 In this case the application site could secure economic, social and environmental benefits which would result in a sustainable development whilst also providing opportunities for economic and social benefits to be delivered locally.

THE PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

- 10.22 This matter is fully dealt with in Chapter 10 but to briefly recap the following is relevant.
- 10.23 Paragraph 11 of the Framework is concerned with the presumption in favour of sustainable development. In this case for decision taking this means approving development proposals that accord with an up-to-date Development Plan without delay (Paragraph 11 c). In this instance the Development Plan is not up-to-date because the Council is unable to demonstrate a 5 year supply of deliverable dwellings thereby rendering all relevant policies in relation to the proposals out-of-date notwithstanding that it has been demonstrated that the proposals are in compliance with the Development Plan. Furthermore elements of the Development Plan are not up-to-date because they are inconsistent with the Framework and these elements are identified in Chapter 9.



- 10.24 Even if the Council was to take a different position and conclude that the development does not accord with the Development Plan then Paragraph 11d is triggered anyway because the Development Plan is out-of-date in those circumstances planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 10.25 On any interpretation, the proposed development represents sustainable development which should benefit from the presumption in favour of sustainable development and as shown in this statement and in the supporting documentation to the application there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme.
- 10.26 Of course, the Framework does not set aside the statutory requirement embodied in Section 38(6) of the Planning & Compulsory Purchase Act 2004 to consider other material considerations (as acknowledged in Paragraph 2 of the Framework). Other material considerations have been considered in this chapter and they all support the proposals.

DELIVERING A SUFFICIENT SUPPLY OF HOMES

- 10.27 The Framework at Paragraph 60 states that in order to significantly boost the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.
- 10.28 Paragraph 74 of the Framework states that Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five year's worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old.
- 10.29 The Council's stated housing land supply position as of 1 April 2021 was 4.79 years therefore the Council cannot demonstrate a five year supply of housing land. The proposals would help meet this deficiency which should be afforded significant weight. As an aside, a cursory examination of the Council's position based upon our own local knowledge suggests that the Council's position is overstated and that the deficiency is greater than the Council assert. Whilst the requirement to demonstrate a 5 year supply is a binary one, the Applicant reserves its right to examine the Council's claimed supply should the need arise going forward and to make further submissions regarding this matter.

PROMOTING SUSTAINABLE TRANSPORT

- 10.30 Section 9 of the Framework is concerned with promoting sustainable transport as well as highway safety.



- 10.31 The Transport Assessment and Framework Travel Plan submitted in support of the scheme demonstrate that the proposals comply with Section 9 of the Framework.

ACHIEVING WELL DESIGNED PLACES

- 10.32 Section 12 of the Framework is concerned with design and placemaking. The Design and Access Statement submitted in support of the scheme demonstrates that a high-quality development will be delivered at the site and consequently the proposals are in alignment with the Framework's objectives of securing high quality development and places.

MEETING THE CHALLENGE OF CLIMATE CHANGE, FLOODING & COASTAL CHANGE

- 10.33 The submitted technical documents demonstrate how the above matters (which are discussed in Section 14 of the Framework) have been addressed. The proposed development takes a fabric first approach whilst also utilising electrical vehicle charging points. Additionally, whilst the site is not at risk of flooding it will not increase the risk of flooding elsewhere.

CONSERVING & ENHANCING THE NATURAL ENVIRONMENT

- 10.34 The above matters are dealt with in Section 15 of the Framework. In the first instance it is material to note that the site is not affected by any statutory designations.
- 10.35 Paragraph 174 of the Framework states that planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.
- 10.36 The Ecological Assessment identifies a number of opportunities to enhance biodiversity at the site which can be conditioned if necessary.

CONSERVING AND ENHANCING THE HISTORIC ENVIRONMENT

- 10.37 Paragraph 194 of the Framework requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting and when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 10.38 In this instance, a Heritage Statement accompanies this application which concludes that there would be no impact on the setting of the nearby Listed Building.



PLANNING PRACTICE GUIDANCE

- 10.39 Planning Practice Guidance (PPG) was launched on 6 March 2014 and has subsequently been updated on numerous occasions.
- 10.40 This application submission has demonstrated how the proposals have addressed the key design issues mentioned in the PPG, and that the proposed development comprises high quality sustainable development.

NATIONAL DESIGN GUIDE

- 10.41 The National Design Guide was published in January 2021 and this document notes that the Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve.
- 10.42 The National Design Guide illustrates how well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice.
- 10.43 This Design and Access Statement has demonstrated how the proposed development complies with this document.

NATIONALLY DESCRIBED SPACE STANDARDS

- 10.44 The Technical Housing Standards - Nationally Described Space Standard (NDSS) requires a minimum space requirement for new housing and all new housing should provide space at least in accordance with the standard.
- 10.45 As previously discussed in Section 9 of this statement, Local Plan Policy H3 - New Housing Development states *inter alia* that (emphasis added) "*new developments should aim to meet the needs of an ageing population by adhering to the optional technical housing standard for access and the new nationally described space standard.*" The use of the words "should aim" suggests that proposals do not have to comply with the NDSS. Nevertheless, whilst the policy doesn't require the provision of the NDSS, as shown on the NDSS Compliancy Schedule submitted with the application all of the housetypes comply with the NDSS apart from 6 no. apartments (which are only slightly below the standard at 88%). Overall, the proposals comply with the NDSS as a whole with 97% of the dwellings complying which is a significant benefit of the proposed development.

SUPPLEMENTARY PLANNING DOCUMENTS (SPD's)

- 10.46 The following SPDs are acknowledged and are considered relevant to this application:



- Developer Contributions SPD – (not yet adopted). This SPD will set out guidance for affordable housing, open space, education, health and other forms of infrastructure required to address the impact of development and how contributions will be calculated. This is now at the first stage of preparation and a number of issues and options have been identified for consideration and inclusion.
- High Peak Design Guide SPD.
- Housing Development SPD.
- Residential Design SPD.
- Planning Obligations SPD.

10.47 The proposals are not considered to give rise to any material conflict with any of the Council's SPDs.

DEVELOPER CONTRIBUTIONS PROTOCOL

10.48 The Developer Contributions Protocol was published on 1 April 2022 by Derbyshire County Council. It sets out the County Council's expectations for contributions towards infrastructure and services required to support growth and development in Derbyshire. The Developer Contributions Protocol relates only to county level services and infrastructure. It does not cover contributions which may be sought separately by local planning authorities for local infrastructure such as affordable housing or open space.

10.49 The Applicant will make contributions to social infrastructure where the contributions sought meet the CIL Regulations and it is viable to do so. A Viability Assessment and Education Assessment are submitted with the application where these matters are dealt with in more detail.

CONCLUSIONS

10.50 Taking into account relevant national and local other material considerations it is submitted that those identified support the proposed scheme and indicate that the planning application ought to be approved.



11. PLANNING CONDITIONS

- 11.1 The applicant is agreeable to discussions with the Council with regard to any relevant conditions that would need to be imposed should the Council be minded to grant planning permission.
- 11.2 Given the significant economic, social and environmental benefits of this scheme it is important that a start is made on site as soon as possible after any positive determination. Put simply, the sooner the applicant is able to start on the development the quicker the benefits will materialise and hence the applicant will be looking for the minimum use of pre-commencement conditions.



12. SUMMARY OF BENEFITS AND CONCLUSIONS

- 12.1 It has been demonstrated in our Planning Statement that the application proposals fully comply with the provisions of the Development Plan.
- 12.2 Other material considerations identified fully support the scheme.

THE BENEFITS OF THE PROPOSALS

- The proposals would make a significant and immediate contribution to the deficient housing land supply position in High Peak on a site that has been allocated for residential development in the adopted Development Plan. The principle of development has already been established here.
- There are no known constraints to development that cannot be dealt with by way of standard mitigation and the Council could expect the scheme to be complete within circa 4 years.
- The proposed development is in a sustainable location, in close proximity to the strategic road network, bus network and passenger railway network, making it a highly sustainable site from an accessibility point of view.
- The proposals would deliver a mix of much needed open market homes for a broad section of the community. The scheme includes dwellings ranging from 1 - 4 beds and includes 10 different dwelling types.
- New tree planting to compliment the retention of significant trees around the site boundaries.
- The proposals would deliver biodiversity improvements.
- 97% of the proposed dwellings would meet the Nationally Described Space Standards.
- All of the new dwellings would have electric vehicle charging points which would encourage the use of electric vehicles.
- The existing Public Right of Way would be retained through the site and would be improved with new landscaping on either side of it. Further links would be



created to the existing residential area to the south to the benefit of new and existing residents in the area.

- The development will have positive economic benefits (investment in jobs, services and supplies) during the construction phase.
- The proposals will result in increased household spending in the area once completed and would help to support the local economy and jobs.
- The proposals would support and sustain local services and facilities.
- The proposals would have a labour supply impact (i.e. those economically active residents of the new development (those in work or seeking work)).

THE DISBENEFITS OF THE PROPOSALS

12.3 At this stage the Applicant considers that there are no disbenefits of the scheme that need to be weighed into the overall planning balance.

12.4 The Applicant acknowledges that local residents may consider this greenfield site to be a disbenefit but the Council must, in considering such concerns, be mindful of its resolved position, as embodied in the adopted Development Plan (which was found sound by an independent government Inspector), which is that the principle of developing the application site for residential development is acceptable.

THE PLANNING BALANCE

12.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

“Where in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”.

12.6 This is a scheme that has clearly been shown to be compliant with the provisions of the Development Plan (notwithstanding that the Development Plan is out-of-date for the reasons set out herein) and those material considerations identified also support the proposed development.

12.1 Having regard to the provisions of Paragraph 11 of the Framework the proposed scheme comprises sustainable development and there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme.



12.2 In light of the foregoing we respectfully ask the Council to grant conditional planning permission for the proposed development without delay.