

PLANNING POLICY COMMENTS

Date: 8th June 2023

Application Number: HPK/2022/0474

Location: Charlestown Works, Charlestown, Glossop

Proposal: Proposed change of use from offices to 24 Apartments and associated car parking

Background / History: The site has previously been in industrial use as part of the former Charlestown Works complex. In 2014 an outline application was approved (HPK/2013/0597) for a mixed use scheme (100 dwellings and 1660m² of B1 commercial floor space). This was followed by a reserved matters approval (HPK/2016/0520) for the residential and office uses. The two approved office blocks have not been built (though according to the design and access statement foundations are in place). This application proposes to construct residential apartments in their place.

The site lies within the built up area boundary for Glossop and is part of a mixed use housing/employment allocation in the High Peak Local Plan, identified as an 'Industrial Legacy' site under Local Plan Policy E5.

Main Policy Considerations:

National Policy (NPPF July 2021)

Paragraphs of particular relevance include:

Paragraph 2 'Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.'

Paragraph 11

For the reasons given below, apply NPPF paragraph 11c) "approving development proposals that accord with an up-to-date development plan without delay".

Part d) states "where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date"..... Accompanying Footnote 8 states "This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); 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.

The High Peak Local Plan is considered to be up to date (apart from the three policies listed below – S3, S4 and H4). A five year supply of deliverable housing sites can be demonstrated (April 2022) and the Housing Delivery Test (2022 measurement) has been passed. It is also considered that policies S3 and S4 are not the most important for determining the application and nor is Policy H4.

Paragraph 81 - Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Paragraph 130 – Good design.

High Peak Local Plan

The Council has conducted a review of the High Peak Local Plan adopted in 2016 to determine if it is up to date. The review concluded that the following policies are considered out of date when considered against the latest national policy and evidence and therefore will be given less weight when determining planning applications:

- Policy S3 (Strategic Housing Development)
- Policy S4 (Maintaining & Enhancing an Economic Base)
- Policy H4 (Affordable Housing)

The remainder of the policies in the Local Plan are deemed up to date as they are broadly in line with current national policy and evidence but they may be revised to address consequential impacts of the wider plan update or to improve clarity for instance.

New evidence that has informed the Local Plan review is also available. For this application the High Peak Housing and Economic Land Needs Assessment (HELNA) is relevant - <https://www.highpeak.gov.uk/article/1693/Other-housing-strategies>

The study is now a material consideration.

The Local Plan Review process has now begun with early engagement consultation including a 'call for sites' having taken place this year. However, it is too early in the production process for any weight to be attached to this work for the purpose of assessing planning applications.

Policies of particular relevance to this application (all of which carry full weight) include:

Policy S4 Maintaining and Enhancing an Economic Base – The Council will maintain and where possible enhance the economic base of the plan area by "encouraging and making provision for office development, particularly within the main market towns".

Policy S5 Glossopdale Sub-area Strategy – Seeks to promote sustainable growth.....ensuring the redevelopment of industrial legacy sites reflects their historic character; supporting the development of new housing within the mixed redevelopment of industrial legacy sites; ensuring the growth of local employment opportunities and supporting the diversification and growth of local business by supporting the retention and provision of employment within mixed redevelopment of the industrial legacy sites.

Policy EQ6 Design and Place Making – Sets out measures to ensure that all development is well designed and of a high quality that responds positively both to its environment and the challenge of climate change, whilst also contributing to local distinctiveness and sense of place.

Policy EQ11 Flood Risk Management – Sets out the Council's approach to development proposals in areas of flood risk.

Policy E4 Change of Use of Existing Business Land and Premises – development proposals for non-employment uses will only be permitted where:

1. The continuation of the land or premises in industrial or business use is constrained to the extent that it is no longer suitable or commercially viable for industrial or business use as demonstrated by marketing evidence commensurate with the size and scale of development and the proposed use is compatible with neighbouring uses; or
2. An appropriate level of enabling development is required to support improvements to employment premises or supporting infrastructure. In such cases, a viability appraisal should be submitted to demonstrate that a change of use or redevelopment of the site is required to fund the improvements. Mixed use proposals should not create any environmental, amenity or safety issues.

Proposals that would result in an under-supply of suitable employment land in relation to identified need will not be permitted.

Policy E5 Regenerating an Industrial Legacy – Charlestown Works is listed as one of the industrial legacy sites to which this policy applies with a cross reference to Policy DS3. It seeks to maximise potential of constrained employment sites where their infrastructure / premises are no longer suited to meeting the needs of modern businesses *in their present form* (my emphasis).

“This will be achieved by encouraging proposals for the redevelopment or reuse of the listed sites which are no longer conducive to meeting the needs of modern businesses in their present form”.

Policy H2 Housing Allocations allocates sites for housing or for mixed use development. It identifies Charlestown Works, Glossop* (G31) [Policy DS3] for 100 dwellings and clarifies that sites marked * are industrial legacy sites identified in Policy E5 for redevelopment including housing.

Policy H3 New Housing Development requires that new housing development addresses the housing needs of local people - affordable housing, a range of housing including for those with specialist needs and to ensure that new housing is adaptable and meets appropriate space standards. Policy also asks for an appropriate mix of housing to be provided to contribute positively to the promotion of a sustainable and inclusive community taking into account the characteristics of the existing housing stock.

Note that although the Council has said that **Policy H4 Affordable Housing** is out of date, the affordable housing requirement for this scheme - 20% affordable housing on sites of up to 24 units with an 80% (rented) and 20% (intermediate) split – is still applicable. (It is the requirement for smaller sites which is out of date). Any variations should be justified.

Policy DS3 – This is a strategic development site policy for Charlestown Works. It allocates the site (3.9 hectares) for business / industry and residential development of approximately 100 dwellings and lists specific requirements for development of the site.

Comments

Compliance with Local Plan Policy

This application raises a number of policy issues for consideration during the determination process.

Housing Land Supply

The Council has a 5-year housing land supply. The applicant's planning statement (p.9 para 5.5) makes reference to the Council not having a 5-year housing land supply and that was the case at the time the statement was written, though it is not now the case (refer to NPPF section above).

Loss of Employment Land

This is the key issue from a policy point of view in relation to this application. The proposal in its current form is not policy compliant.

As set out above, strategic policy S4 is focussed on maintaining and enhancing an economic base in the Borough including making provision for office development particularly within the market towns, like Glossop. Strategic policy S5 relating to Glossopdale, supports the retention and provision of employment within mixed redevelopment of the industrial legacy sites. Policy E5, relating to the regeneration of industrial legacy sites, encourages mixed use developments which retain or create employment opportunities on site. The previous applications in 2013 and 2016 were in line with this. This application is removing the mixed use element so that it becomes residential only.

The Local Plan's employment land supply is shown on P.109 (Table 9). Delivery relies on a number of strategic development sites, including this one. On the Glossopdale row, the land available within industrial legacy sites is part of the supply (0.27ha for Charlestown Works – the rest is from Woods Mill and Ferro Alloys). (NB there is an error on the table. The figure for industrial legacy sites for Glossopdale should read 0.965 *not* -0.965).

The proposal needs to comply with the policy tests in Policy E4, which relates to change of use of existing business land and premises. In this case, part 1 of the policy would apply, namely if the land is considered no longer suitable or commercially viable for industrial or business use (which the applicant appears to be suggesting), marketing evidence is required commensurate with the size and scale of development to demonstrate this. The supporting text to the policy (paragraph 5.122) refers to“conducting a comprehensive marketing exercise”.

Looking at the information provided by the applicant, page 8 (paragraph 5.3) of the planning statement says: “Prior to and since the outline application the site has been marketed for commercial use with no substantive interest shown. The office element of the development has therefore been available for around 8 years and it is reasonable to conclude at this time that office development is not a realistic end use for the site.” Page 2 of the Design and Access Statement states: “Due to the current economic climate and working from home the offices are no longer viable in today's market, apartments can provide accommodation to encourage working from home and regenerate the area, rather than have empty office space”.

These statements appear to be the only reference to marketing in the submitted documents. This information is insufficient to adequately meet the policy test in Policy E4. As the office block has not been built, marketing should include details as to what the office block would look like externally and whether internal layout could be customized to suit the end user so as not to restrict the market. The Council requires the marketing exercise to comprise of:

1. A minimum of 6 months (but ideally 12) marketing.
2. The site should be marketed through a recognised, independent property agent that covers the local area.
3. The site must be advertised continually, twice a month for at least a 6 month period following the date of the first advertisement. After that period the level of advertising may reduce.
4. The advertisements should be online including in the local press (and regional press depending on the scale).
5. 'Sales particulars' should be produced and displayed in the Agents Office(s).
6. Ideally a 'for sale' board should be erected on the site.
7. The site should be advertised for a range of tenures, i.e. freehold/leasehold/rental, as appropriate.

When an application is submitted, the following information should be provided as evidence:

- a Property Agents Report summarising the marketing exercise carried out, i.e. Type of property; how, where and when marketed; tenure offered, general / specific level of enquiry shown; commercial property agent's view as to the commercial viability of the building/site.
- a copy of the sales particulars.
- photograph(s) of the building/site (showing the 'sale board' if used).
- copies of all advertisements placed throughout the exercise including unambiguous dating.
- reference to the relevant website(s) used.
- a schedule of the numbers of enquiries received, including any firm offers, whether they are conditional or unconditional, with the relevant evidence where necessary.

Policy E4 also states that "Proposals that would result in an under-supply of suitable employment land in relation to identified need will not be permitted". As stated above, industrial legacy sites including this one contribute to the supply of employment land across the Borough.

Housing Mix

To comply with HP LP Policy H3, any residential scheme requires that consideration is given to the housing mix and compliance with the Nationally Described Space Standards and accessibility standards.

- In September 2022, the Council published the Housing and Economic Land Needs Assessment (HELNA) that was commissioned to inform the review of the Local Plan. The study provides an updated analysis of the housing mix required across the Borough as well as providing a more fine grained assessment of the recommended

housing mix across each of the Local Plan Sub-Areas. This includes Glossopdale within which the site in question is located.

- Accordingly, the HELNA is deemed to be a “successor document” to the SHMA as referenced in Policy H3 and it should therefore be taken into account when determining an application.
- The recommendations from the 2022 HELNA in relation to the mix of housing for both High Peak as a whole as well as Glossopdale are outlined below alongside the proposed housing mix from the application and existing housing stock in Simmondley Ward.
- Recommendations with a market adjustment are also provided. This results in a 15% reduction in the number of smaller (1-2 bed) dwellings and a commensurate increase in the number of 3 and 4 bedroom properties to reflect *“the very pronounced socio-economic shock precipitated by the pandemic and the strong (and what appears to be a permanent) shift towards homeworking and the need for larger properties to accommodate this.”* (HELNA, para 12.34)

	1-bed (%)	2-bed (%)	3-bed (%)	4-bed (%)	5 or more bed (%)
2022 HELNA High Peak	10	37	41	9	3
2022 HELNA High Peak (with market adjustment)	8	32	44	13	3
2022 HELNA Glossopdale	7	37	46	9	1
2022 HELNA Glossopdale (with market adjustment)	6	31	49	12	1
% of existing housing stock in Simmondley Ward (2021 Census)	1.7	8.6	45	44.7 (4 bed +)	n/a
Proposed mix	37.5%	62.5%	0%	0%	0%

- Comparing the High Peak proportions with Glossopdale, Glossopdale has a lower proportion of 1-bed properties than High Peak as a whole, with and without the market adjustment. Glossopdale has the same proportion of 2-bed and 5+ bed properties than High Peak and a very similar proportion of 4-bed properties. There are slightly higher levels of 3-bed properties in Glossopdale than High Peak.
- The Census data showing existing housing stock in Simmondley ward shows that there is a much lower proportion of 1-bed properties in the ward than Glossopdale and High Peak. There is an even bigger difference in the proportion of 2-bed properties in Simmondley ward than High Peak and Glossopdale – it is much lower. Consequently, the housing mix proposed in this scheme would bring the proportion of 1 and 2 bed properties in the ward closer to the proportions in Glossopdale and High Peak and the HELNA recommendations for market housing.

Affordable Housing

There appears to be no provision for affordable housing in this scheme – what is the justification for this?

Other Issues

It is noted that a number of technical studies have been undertaken by the applicant e.g. Flood Risk Assessment, Contaminated Land Risk Assessment, Ecological Appraisal, Transport Statement. The relevant consultees with expertise in these areas can advise the case officer on the adequacy of the applicant's assessments.

Conclusion

From a policy point of view, the application in its current form does not comply with strategic Local Plan Policies S4 and S5. It also does not comply with policies E4, E5, DS3 and H4.