

PLANNING POLICY COMMENTS

Date: 27th July 2023

Application Number: HPK/2023/0192

Location: Land at Hogshaw, Fairfield, Buxton

Proposal: Construction of 116 dwellings.

Background / History:

The application site is part of a residential allocation in the High Peak Local Plan – Policy DS17 Land at Hogshaw, Buxton. The application site also includes additional land to the north east not within the allocated site which is situated outside the built-up area boundary and in open countryside. The rest of the residential allocation (Policy DS17) to the west and south of the site is not included within the scheme.

The access road forms part of the Fairfield Link Road and is identified in Policy S7 – Buxton Sub-area Strategy and on the Policies Map as providing ‘access to new developments at Hogshaw and Fairfield’. The access road is located within the Fairfield Conservation Area.

Policy Considerations:

National Policy – National Planning Policy Framework 2021

Para 11 – ‘Plans and decisions should apply a presumption in favour of sustainable development, approving development proposals that accord with the development plan without delay’.

Para 47 – ‘planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise...’

Para 58 - ‘It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force’.

Para 63 – ‘where a need for affordable housing is identified, planning policies should specify the type of affordable housing required²⁹....’

²⁹ Applying the definition in Annex 2 to this Framework.

Para 65 – ‘where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership³¹

³¹ As part of the overall affordable housing contribution from the site.

Para 92 – ‘Planning policies and decisions should aim to achieve healthy, inclusive and safe places...’

Para 104 - Transport issues should be considered from the earliest stages of plan-making and development proposals, so that... the potential impacts of development on transport networks can be addressed;.....opportunities to promote walking, cycling and public transport use are identified and pursued.....the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account.....patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

Para 174 – ‘Planning policies and decisions should contribute to and enhance the natural and local environment by.....protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).’

High Peak Local Plan (Adopted 2016)

Policies of particular relevance include:

Policy S7 Buxton Sub-area strategy:

- Requires protection of the quality and supply of natural mineral water. Development, including proposals for SuDS should have regard to the Buxton Mineral Water Catchment Area, and Nitrate Vulnerable and Groundwater Source Protection Zones in terms of their impact on water quality and quantity.
- Requires new development to demonstrate compliance with Policy EQ1 in relation to the adoption of high water efficiency standards and measures to recycle and minimise water consumption.
- Requires working with partner organisations through the River Wye Water Pollution Plan to protect water quality on the River Wye SSSI which is a component of the Peak District Dales Special Area of Conservation (SAC).
- Protection and enhancement of sites designated for their environmental value including local wildlife sites, public open spaces, recreation areas and playing fields.
- Ensuring that development protects and/or enhances the landscape character and the setting of the Peak District National Park.
- Allocating a range of suitable, deliverable housing sites sufficient to meet the requirement of the Buxton sub-area, including the delivery of appropriate levels of affordable housing.
- Safeguarding the route of the proposed Fairfield Link Road as identified on the Policies Map. The road will provide access to new developments at Hogshaw and Fairfield. The road will be funded by developer contributions.
- Working with partner organisations and developers to enable transport improvements and mitigation measures identified by the A6 Corridor Study & the High Peak Transport Study.

Policy EQ1 Climate Change – Applications for new build residential development in the Buxton sub-area should meet the optional technical requirement for water efficiency of 110 litres per person per day to minimize the phosphate load to the River Wye via discharges from the Buxton Sewage Treatment Works, unless it can be demonstrated that doing so would adversely impact on a scheme’s viability.

Policy EQ2 Landscape Character - Seek to protect, enhance and restore the landscape character of the Plan Area. The Landscape Character type for this area is Plateau Pastures.

Policy EQ5 Biodiversity – Conserving and enhancing regionally and locally designated sites. On these sites the Council will not permit any development proposal which would directly or indirectly result in significant harm to geological and biodiversity conservation interests, unless it can be demonstrated that:

- there is no appropriate alternative site available; and
- all statutory and regulatory requirements relating to any such proposal have been satisfied; and
- appropriate conservation and mitigation measures are provided, such mitigation measures should ensure as a minimum no net loss and wherever possible net gain for biodiversity;
- or if it is demonstrated that this is not possible;
- the need for, and benefit of, the development is demonstrated to clearly outweigh the need to safeguard the intrinsic nature conservation value of the site and compensatory measures are implemented.

Policy EQ7 Built and Historic Environment – Particular protection will be given to designated and non-designated heritage assets and their settings including Conservation Areas. It requires development proposals in Conservation Areas to demonstrate how the proposal has taken account of the distinctive character and setting of individual Conservation Areas including open spaces and natural features and how this has been reflected in the layout, design, form, scale, mass, use of traditional materials and detailing, in accordance with Character Appraisals where available.

Policy EQ8 Green Infrastructure – Requires that through its layout and design, new development responds to the location of existing green infrastructure and ecological networks, supporting their appropriate uses and functions.

Policy EQ9 Trees, Woodland and hedgerows – Requiring new developments where appropriate to provide tree planting and soft landscaping, including where possible the replacement of any trees that are removed at a ratio of 2:1.

Policy EQ10 Pollution Control and Unstable Land- The Council will protect people and the environment from unsafe, unhealthy and polluted environments.

H1 Location of Housing Development- supports the development of specific sites through new site allocations in the Local Plan. The Council will give consideration to approving sustainable sites outside the defined built-up area boundaries, taking into account other policies in this Local Plan, provided that:

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

H2 Housing Allocations – Land at Hogshaw Buxton (B3, B4) [Policy DS17] 124 dwellings Phase Late (2026 – 2031)

H3 New Housing Development - The Council will require all new residential development to:

- a) meet the requirements for affordable housing as set out in Policy H4;
- b) provide a range of market and affordable housing types in line with the SHMA or successor documents;
- c) provide a mix of housing that takes into account the characteristics of the existing housing stock in the surrounding locality;
- d) ensure new residential development includes a proportion of housing suitable for newly forming local households; and
- e) support dwellings designed to provide flexible accommodation which is capable of future adaptation in accordance with the Nationally Described Space Standard and delivered to meet accessibility standards set out in the Optional Requirement M4(2) of Part M of the Building Regulations.

H4 Affordable Housing – 30% affordable housing on sites of 25 units or more with a target of 80% rented accommodation with the balance being provided as intermediate housing.

EQ2 – Landscape Character - 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. This will be achieved by:

- Requiring that development has particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, such as trees and woodlands, hedgerows, walls, streams, ponds, rivers, ecological networks or other topographical features.
- Requiring that development proposals are informed by, and are sympathetic to the distinctive landscape character areas as identified in the Landscape Character Supplementary Planning Document and also take into account other evidence of historic landscape characterisation, landscape sensitivity, landscape impact and the setting of the Peak District National Park and where appropriate incorporate landscape mitigation measures.
- Requiring that development proposals protect and/or enhance the character, appearance and local distinctiveness of the landscape and landscape setting of the Peak District National Park.
- Resisting development which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement as identified in the Landscape Impact Assessment.

EQ3 Rural Development – Outside the settlement boundaries and sites allocated for development as defined on the Policies Map, including the Green Belt, the Council will seek to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness, including the character, appearance and integrity of the historic and cultural environment and the setting of the Peak District National Park whilst also facilitating sustainable rural community needs, tourism and economic development.

The policy allows certain forms of residential development which includes 'development in accordance with Policy H1'.

Policy CF4 Open Space, Sports and Recreation Facilities – The Council will seek to 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 well-being of local communities.

Policy CF6 Accessibility and Transport – Requiring that new development is located where the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development. Supporting highways and junction improvements required to address the cumulative impact of development across High Peak as identified in the High Peak Local Plan Transport Study and Infrastructure Delivery Plan.

Policy CF7 Planning Obligations and Community Infrastructure Levy - 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. Standard formulae will be applied when applicable. The Developer Contributions SPD will provide further guidance on how contributions will be calculated.

Policy DS17 Land at Hogshaw, Buxton – Land amounting to 13.7ha is allocated for residential development of approximately 124 dwellings including public open space, and for recreation and amenity space. Development will be subject to compliance with other relevant Local Plan policies, and subject to:

- Full investigation and remediation of existing contamination and ground conditions;
- Agreement with the Council of a full phasing programme covering the entire site, such a programme to ensure completion of all remediation works before the completion of the residential development of the greenfield part of the site, or other phasing as agreed;
- Provision of a new vehicular access from the A6 at Fairfield Common and highway improvements as identified by a Transport Assessment,
- Provision of emergency access via Nunsfield Road and/or Glenmoor Road
- Provision of cycle and pedestrian routes to the town centre and schools;
- Ecological survey and management plan to conserve and enhance the ecological interest of the site, including the provision of open space along the river valley and within the allocated recreational land to the north if required to compensate for the loss of the nature conservation interest;
- Provision of an agreed landscaping scheme, including retention of protected trees and existing landscape features where appropriate. Existing vegetation and woodland in the north of the site should be retained and enhanced and additional native tree and shrub blocks should be planted at an early phase on the northern and eastern boundaries in order to screen future development and strengthen the settlement boundary;
- Approval of a scheme to mitigate flooding;
- Archaeological desk-based assessment and field evaluation pre-application;
- Buildings appraisal and assessment of non-designated heritage assets

Land adjoining the housing allocation as identified on the Policies Map will be reserved for railway infrastructure development. Housing proposals should not prejudice the delivery of railway infrastructure or vice versa.

Other Relevant Documents

Buxton Conservation Areas – Character Appraisal (2007)

https://www.highpeak.gov.uk/media/220/Buxton-area-character-appraisal-adopted-April-2007/pdf/HP_CAA.pdf?m=1484758451980 The access road is within the Fairfield Conservation Area.

Water in Buxton SPD - The Water In Buxton SPD was adopted by the Council on 9th December 2021. The SPD seeks to provide additional guidance in support of policies in the adopted High Peak Local Plan 2016 which aim to protect the quality and quantity of water sources in the Buxton area and to minimise phosphate levels in the River Wye and the Peak District Dales Special Area of Conservation (SAC).

Draft Developer Contributions SPD – The document which has been subject to two rounds of public consultation was considered by The Executive on the 22nd June 2023. It is anticipated that this be adopted by the Council on the 25th October 2023. Although not yet adopted some weight can be attached to it as a material consideration. Link to report (see pages 93 - 130)

<https://democracy.highpeak.gov.uk/documents/g2736/Public%20reports%20pack%2022nd-Jun-2023%2018.00%20The%20Executive.pdf?T=10>

Comments

Local Plan Allocation plus Additional Land

The application site comprises the north eastern section of Local Plan Policy DS17 - Land at Hogshaw, Buxton allocation as well as additional land, lying beyond the allocation boundary located in an easterly direction to the north and south of Nunsfield Farm which lies outside the built-up area and in the open countryside. The applicant states that the extra land is necessary to provide additional dwellings in order to meet the quantity specified in the Local Plan which has been constrained due to ecological constraints on the site. The applicant considers that only 73 dwellings could be accommodated within the area of the allocated site compared to the 124 units cited in Policy DS17. The additional land would accommodate an additional 43 dwellings which would take the total number of dwellings up to 116.

Policy DS17 states that ‘approximately’ 124 dwellings could be accommodated on the site along with public open space, and for recreation an amenity space. The policy also recognises that the site has a number of constraints that need to be taken onto consideration by the proposed development.

High Peak borough can currently demonstrate the required 5 year supply of deliverable housing land (6.28 years at 1st April 2022) and there are a number of residential sites in Buxton that are currently being built out. However Policy H1 does allow the consideration of approving sustainable sites outside the defined built up area boundaries, taking into account other policies in the Local Plan provided that:

- the development would adjoin the built up area boundary and be well related with the existing pattern of development and surrounding land uses and of an appropriate scale for the settlement; and
- the development would not lead to prominent intrusion into the countryside or have a significant adverse impact on the character of the countryside; and

- it would have reasonable access by foot, cycle or public transport to schools, medical services, shops and other community facilities; and
- the local and strategic infrastructure can meet the additional requirements arising from the development.

The allocated site lies in a shallow valley with adjacent housing located to the south and to the west along Brown Edge Road. It is visible from the west but not from the east and considered to not have an adverse impact on the landscape of the Peak District. The additional area of land which currently lies in the open countryside is likely to be visible from the A6 and its development should not lead to a prominent intrusion into the countryside or have a significant adverse impact on the character of the countryside (Policy H1) particularly given its proximity to the Peak District National Park as set out in Local Plan Policy EQ2. The Landscape Study identifies the land as 'Plateau Pastures' landscape character. The key landscape characteristics to consider and development principles are set out in the Council's Landscape Character SPD (2006).

Given that the scale of development is similar to that envisaged in the local plan allocation it is not considered that it would create any additional impact on local and strategic infrastructure or be inappropriate in terms of scale. Access by 'foot, cycle or public transport to schools medical services, shops and other community facilities' is also considered to be similar to that of the allocated site.

Access & Sustainable Transport

The main access to the application site would be taken from the new roundabout on the A6 at Fairfield Common. The principle of the access road has already been established through Policy DS17 and Policy S7 and the route is safeguarded on the local plan policies map. It is the only element of the scheme that falls within the Fairfield Conservation Area boundary.

Policy DS17 also requires highway improvements as identified a by a Transport Assessment and the provision of emergency access via Nunsfield Road and/or Glenmoor Road. Most of the sites lies within a 1km walk from the town centre and although there are extensive footpaths in the area these will need improving and cycleways included.

Local Wildlife Site

The proposed scheme is largely contained on the 'greenfield' part of the allocated site. The site boundary overlaps with the adjacent Local Wildlife Site where it is proposed to create a flood attenuation basin. Local Policy EQ5 seeks to protect Local Wildlife Sites and sets out the circumstances in which development proposals would be acceptable. Policy DS17 requires an ecological survey and management plan to conserve and enhance the ecological interest of the site. Part of the site is also covered by a Tree Preservation Order and the affected trees should be included in a comprehensive landscaping scheme. The landscaping scheme should also retain existing landscape features where appropriate, including existing vegetation and woodland in the north of the site. The applicant states that whilst the development would require minor loss of this woodland, it would be replaced with a wetland attenuation feature which can be sensitively designed to maximise its value to biodiversity.

Contamination

The wider allocated site includes brownfield land comprising former railway sidings and a refuse tip to the north of the site. A survey has shown that these areas are extensively contaminated. Policy DS17 requires full investigation and remediation of existing

contamination and ground conditions. The former refuse tip is unsuitable for residential development but could be developed for formal recreation and amenity use. The requirement for a phasing programme covering the whole site is to ensure that the completion of all remediation works takes place before the completion of the residential development of the greenfield part of the site.

The applicant has submitted a Ground Investigations Report which, at section 13.3, includes a remediation strategy and specification. This appears to relate to the area of the site which is to be developed and proposes that this will be dealt with by the provision of buildings and hardstanding areas across the site and in the proposed garden/landscaped areas it is proposed to import a capping layer of imported soils of between 300 - 600mm thick to minimise the risk. There does not appear to be any consideration of remediation of the other parts of the allocated site.

Railway Sidings

Policy DS17 states that the land adjoining the housing allocation as identified on the Policies Map will be reserved for railway infrastructure development. The Buxton Sidings Extension Order and deemed planning permission was granted in October 2017 which authorised Network Rail to construct, maintain and operate an extension to the existing railway sidings in the Hogshaw area. The Order also includes the authorisation of the construction of a new section of footbridge to extend the existing bridged public right of way over the new railway works. Works appear to have been undertaken on this area in 2018.

This application does not propose for development to incur into that land, and the scheme would not prejudice the delivery of railway infrastructure however this should still be considered as there could be a noise and light impact from the network rail extensions and the Environmental Health Department should be consulted.

Water Quality & Nutrient Neutrality

Policy EQ1 and the Water in Buxton SPD set out details for the protection of the quality and supply of natural mineral water & protection of water quality in the River Wye. The protection zone for Buxton Water is identified as zones A and B. Whilst the site lies approximately 150m to the north of zone B, a precautionary approach must be taken to its protection. A pipeline carries Buxton Mineral water from the source to the bottling plant and runs through the site. It is noted that the proposed plan states that the line has been taken into account and protected.

Policy EQ1 and the SPD support the need to achieve high water efficiency standards and measures to recycle and minimise water consumption. This requirement aims to reduce phosphate load on the River Wye.

In addition in March 2022, the Council received correspondence from Natural England and the Department for Levelling Up Housing and Communities (DLUHC) to outline that immediate action must be taken to address exceedances of phosphorus and/or nitrogen polluting protected sites under the Conservation of Habitats and Species Regulations 2017. Development falling within the catchment of the Peak District Dales SAC must be nutrient neutral. Within the catchment, the Council cannot grant consent for development unless it is certain that the proposal will not have a significant effect on the SAC. A Habitats Regulations Assessment (HRA) will be required when the plan or project creates a source of water

pollution or has an impact on water quality and when it is within the catchment of the SAC. Initially, a screening assessment will be required to consider if “likely significant effects” (alone or in-combination) on the SAC can be ruled out. If not, this will be followed by an “Appropriate Assessment” where the impact of the plan or project is considered in detail. If the Appropriate Assessment cannot rule out damage due to nutrient pollution, the plan or project cannot be approved unless mitigation to reduce or eliminate the impact can be put in place.

The proposed scheme falls into the catchment of the SAC. The applicant states that they are currently seeking to agree an approach to mitigation for nutrient neutrality with the relevant stakeholders, including High Peak Council and Natural England. Until an appropriate mitigation solution can be identified, this proposal cannot be approved.

Affordable Housing

The Council's overall approach to affordable housing is set out in Policy H4 of the Local Plan and supporting text. This policy states that residential developments of 25 dwellings or more should provide 30% affordable housing. Affordable housing should also include First Homes and a guide to the affordable housing requirements for sites of certain sizes is included in the draft Developer Contributions SPD. For a site of 116 dwellings this would equate to 39 affordable units of which 10 would be First Homes, 23 affordable rent and 6 shared ownership.

No affordable housing is proposed as part of the scheme which is a key concern. A viability appraisal has been submitted by the applicant which needs to be independently verified particularly as development is only proposed on the greenfield element of the scheme.

Housing Mix

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. It 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 the application. 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 Buxton within which the application site is located.

The recommendations from the 2022 HELNA in relation to the mix of housing for both High Peak as a whole as well as Buxton are outlined below alongside the existing housing stock in Barms 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).

	High Peak	1-bed	2-bed	3-bed	4-bed	5 or more beds
Market Housing	2022 HELNA	10%	37%	41%	9%	3%
	2022 HELNA (with market adjustment)	8%	32%	44%	13%	3%
	Overall mix	40%		60%		
Social Housing	2022 HELNA	48%	29%	22%	1%	0%
	2022 HELNA (with market adjustment)	41%	25%	28%	7%	0%
	Overall mix	65%		35%		

	Buxton	1-bed	2-bed	3-bed	4-bed	5 or more beds
Market Housing	2022 HELNA	22%	32%	40%	5%	1%
	2022 HELNA (with market adjustment)	18%	27%	44%	9%	1%
	Overall mix	46%		54%		
Social Housing	2022 HELNA	49%	26%	25%	0%	0%
	2022 HELNA (with market adjustment)	42%	22%	30%	6%	0%
	Overall mix	64%		36%		

	1-bed	2-bed	3-bed	4-bed	5 or more beds
% of existing housing stock in Barms ward (2021 Census)	16.7%	26.3%	40%	17% (for 4+ bedrooms)	n/a
Overall mix	43%		57%		

	1-bed	2-bed	3-bed	4-bed	5 or more beds
Proposed Scheme (116 units)	0%	9% (10 units)	70% (81 units)	21% (25 units)	0%
Affordable housing (none proposed)	-	-	-	-	-
Overall mix	9%		91%		

The HELNA recommends a higher proportion of 1 and 2 bed properties for Buxton compared with High Peak as a whole. This is the case with and without the market adjustment. The existing housing stock in Barms ward (2021 census) is also lower than that recommended in the HELNA for 1 and 2 bed properties in Buxton. At present the proposed mix does not reflect the HELNA recommendations (which incorporates a market adjustment) and should bring the housing stock closer to the HELNA recommendations.

Developer Contributions

A S106 agreement should consider the provision of affordable housing, open space and outdoor sports provision, education, highways and any other planning obligations in line with adopted Policy CF7 and the emerging Developer Contributions SPD.

Conclusion

Whilst the proposed scheme is partly located within an allocated housing site where the principle of residential development has already been established there are some areas of concern or where further clarification is required:

- The additional land proposed. Would it's development lead to a prominent intrusion into the countryside or have a significant adverse impact on the character of the countryside particularly given its proximity to the Peak District National Park?
- Contamination which is a key issue identified in Policy DS17. Will the remediation strategy adequately deal with this across the whole of the site?
- The housing mix does not reflect the evidence in the HELNA.
- Affordable housing provision – concern that the greenfield proposal cannot support a policy compliant scheme.
- Nutrient neutrality. The proposal cannot be approved until an appropriate mitigation solution can be identified.

Ruth Wooddisse

Planning Policy – High Peak Borough Council