

To all Members of the High Peak Borough Council
Planning Committee

9 November 2023
EP ref: 23-289

Sent by email

Dear Councillor

Re: Planning Application HPK/2023/0286 – Permission in Principle for residential development on land at Forge Road, Chinley.

We refer to the above planning application and the officer report, published on 6th November 2023, which recommends refusal of the planning application at Planning Committee on Monday 13th November 2023.

We would like to take the opportunity to express our concerns about the lack of opportunity given to us by the officer dealing with the application to have any form of meaningful discussion regarding the application and the reasons given for refusal.

The reasons for refusal at the end of the committee report reads as follows:

- 1. The proposal scheme has failed to demonstrate that the application site in either a light industrial and / or commercial / business use would be 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 or would incompatible with neighbouring uses contrary to Policies SS1, S5, E1 and E4 of the Adopted High Peak Local Plan 2016.*
- 2. The proposal for a maximum of 9 dwellings would result in an intrusive form of development and in particular fails to provide a high-quality form of development, which would contribute positively to the area's character contrary to Policies SS1, S5 and EQ6 of the Adopted High Peak Local Plan 2016, Residential Design Guide SPD 2005 and High Peak Design Guide SPD 2018.*

We address these two reasons in turn. We consider that there are very strong reasons for you to approve the application, contrary to the officer's recommendation.

Reason for refusal 1 - Change of Use of Existing Business Land and Premises

By way of context, the land at Forge Road (former Dormer factory site) was granted outline planning permission at appeal in 2013 (appeal reference APP/H1033/A/13/2189819). The description on the appeal decision notice reads:

‘The development proposed is the demolition of all remaining structures and redevelopment for up to 182 dwellings, up to 1,672sqm of business floorspace (use class B1), up to 279sqm of non- residential institution floor space (use class D1), community facilities and associated infrastructure’.

A reserved matters application was subsequently submitted and approved in January 2014 for Phase 1 (LPA ref: HPK/2013/0577) with the following description:

Application for Approval of Reserved Matters Following Outline Approval for Phase 1 - Construction of 91 No. Dwellings, 1No. B1 Office Unit and 1No.D1 Creche Unit including Access from Green Lane / Whitehough Head Lane and Associated Works

It is understood that the majority of the residential development has now been completed and occupied or is very near to completion.

The application under consideration addresses the element of the site which was granted outline planning permission for *‘1,672sqm of business floor space (use Class B1)’*, of the appeal decision notice and B1 office unit on the above reserved matters application.

In 2019 the applicant sought a separate full planning permission for the construction of a new building comprising B1 office / workspace on the ground floor and 4 bedroomed flat above; this would enable the unit to be used as a ‘live work unit’ for the applicant and would enable him to operate his business from the site. This application was approved in April 2020 (LPA ref: HPK/2019/0417). However, due to a change in how the business operates, partly as a result of the Covid pandemic but also changes to the operating methods of the business, the live work unit is no longer required. Consequently, permission is being sought for Permission in Principle (PIP) for residential accommodation on the site.

In relation to the policies identified in the reason for refusal:

- The proposal complies with Policy S1 as a whole. Whilst Policy S1 refers to providing a range of economic development in sustainable locations, this is a multi-faceted policy which also refers to providing homes to meet needs in sustainable locations and making effective and efficient use of land.
- Policy E1 is not directly relevant as the proposal is not for employment use. We have addressed the committed live work use above.
- Policy S5 is listed but is not relevant (this relates to sites in Glossopdale). Policy S6 (Central Sub-area Strategy) is relevant, but again the proposal is considered to comply with this multi-faceted policy, bearing in mind that the site is not in an existing employment use and the policy also refers to supporting the development of new housing on sustainable sites within the built up area boundary.

The reason for refusal primarily relates to Policy E4.

Firstly, Policy E4 specifically relates to “*existing business or industrial land or premises*”. However, the site is not in existing employment use. There is an extant planning permission for a live work unit, but circumstances have changed and the live work unit is no longer required. The site is not allocated for employment use and alternative proposals should be considered against the relevant policies of the development plan, with the site simply included in the settlement boundary where a range of uses will be supported.

Secondly, a B1 use is a ‘main town centre use’ as defined by The Framework. The use classes order was updated in 2020 and use class B1 now falls under use class E, which also covers uses such as retail and gyms. If the applicant now sought planning permission for B1 use, it would be necessary to demonstrate that the sequential test is met, and it is unlikely that the Council would consider such uses appropriate in this location. Alternatively, if the existing consent was built out, there would be nothing to prevent the building from being used by some of these alternative uses within Class E.

Thirdly, previous studies have identified that the location is constrained for employment use. The former Forge Road site was originally allocated as a Primary Employment Zone within the 2014 Employment Land Review. The report made note of a number of issues / concerns about the site being used for employment purposes, including restricted access, remote location away from centres of population, transport infrastructure issues and it being an out of centre site. Furthermore, due to the proximity of the residential unit that have now been built out on the site, the introduction of an alternative employment use on the site to B1 would have greater potential to have an adverse impact on the residential amenity to the occupiers of the nearby dwellings and the remainder of the housing site due to the operating hours and vehicle movements to and from the site.

Fourthly, the High Peak Housing and Economic Lands Needs Assessment (HELNA) undertaken in 2022 lists, at Table 5 within this report, the available employment sites within the Borough. The land at Forge Road has not been listed.

Therefore, we do not consider that Policy E4 is relevant to the proposal given that it is not an “*existing business or industrial land or premises*”. However, even if Policy E4 is considered to apply, then the location is constrained (and there is compliance with Policy E4), and there are other material considerations which indicate that planning permission should be granted.

Reason for refusal 2 - Design

The second reason for refusal states that the maximum number of dwellings (9) on site would be an intrusive form of development and would fail to provide a high-quality form of development.

The assessment undertaken on this matter has failed to understand the Permission In Principle (PIP) process. The PIP process simply seeks to obtain ‘permission in principle’, which in this instance is to ascertain whether residential development up to a maximum of 9 units is acceptable on this site. It is not necessary to provide a precise indication of the size, design, location or number of units on the site. Therefore, to assess the application and conclude that ‘*the development would result in an intrusive form of development*’ when no plans, design or layout details have been submitted or provided is fundamentally wrong.

Whilst indicative drawings have been submitted, showing one option of the how the site could be developed, these are for indicative purposes only to show how the maximum number of 9 units could be achieved on the site under the PIP regulations. The design location and size of any proposed residential development falls to be considered under Stage 2 of the PIP process.

The applicant is fully aware of the number of concerns raised on this application of which a large portion have raised concerns about a 3-storey building on the site. Bearing this in mind, should this current application be approved then all possible options for development will be considered at Stage 2 of the PIP process. The granting of PIP at this stage would in no way infer that a 3-storey building would form the submitted scheme at Stage 2 of the PIP process.

To conclude, both reasons for refusal are addressed above and there are very strong reasons for you to approve the application, contrary to the officer's recommendation. We trust the above matters will be taken into account when discussing the application at planning committee on Monday 13th November.

Yours sincerely
Emery Planning

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