

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

2nd October 2017

Application No:	HPK/2016/0313	
Location	Forge Bleach Works, Forge Road, Chinley	
Proposal	Reserved Matters application with details of the appearance, landscaping, layout and scale for Phase 2 of the residential development comprising of 62 dwellings and associated works pursuant to planning appeal reference APP/H1033/A/13/21898819 (HPK/2012/0312).	
Applicant	Innovation Forge Ltd	
Agent	Wain Homes (North West) Ltd	
Parish/ward	Chinley	Date registered 13 th July 2016
If you have a question about this report please contact: Rachael Simpkin <i>rachael.simpkin@highpeak.gov.uk 01538 395400 ext. 4122</i>		

1. REFERRAL

The Application is referred to committee as it is a major development

2. SUMMARY OF RECOMMENDATION

APPROVE subject to Section 106 Agreement and Conditions
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3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

3.1 This brownfield site relates to the former Forge Mill premises, more recently known as the Dorma Works, which is located off Forge Road, Chinley. The whole site covers a total of 12.44 ha (hectares) and lies in a dip between the villages of Chinley and Whitehough. The site is nestled between Black Brook to the north and the Peak Forest Tramway to the south. It is located immediately to the south of the village of Chinley and north of the hamlet of Whitehough. The Peak Forest Tramway runs alongside the southern boundary of the site and the Black Brook watercourse borders and crosses the site on its northern side. Aligning the western boundary of the site is footpath 124, which links Forge Road to the Tramway. There are some habitats of local value within the site, as well as tree cover to the boundaries of the site.

3.2 The overall site area included in this Phase 2 application comprises a total area of 3.6 ha and this is split as follows: the easterly site being 3.4 ha and the westerly site being 0.4

ha. Outline planning permission for up to 182 dwellings, up to 1672sqm of business floorspace (Use Class B1), up to 279sqm of non-residential institution floorspace (Use Class D1), community facilities and associated infrastructure was granted on appeal on the 29th May 2013 (appeal ref. APP/H1033/A/13/2189819). The application site had been unoccupied since 2005 and the remaining empty industrial buildings were largely demolished during 2010.

3.3 The access into the site from Forge Road, currently serves the scout hut, newly built crèche and a terrace of residential properties (Forge Terrace), which are located further along this road. It further provides construction access in relation to the approved reserved matters permission ref. HPK/2013/0577 relating to 3.99 ha of land forming the first Phase of the development for the construction of 91 dwellings. These are well underway with some units now occupied. This Phase of development also includes the provision for a B1 office unit (400 sqm), however, no reserved matters details have yet come forward. The proposal for the larger crèche equating to 690 sqm of floorspace was approved by means of a separate permission ref. HPK/2014/0582, which has been implemented.

4. THE APPLICATION PROPOSAL

4.1 This “revised” reserved matters application seeks planning permission for matters of layout, scale, appearance and landscaping for the second Phase of development with the means of access into the site having been agreed at the outline stage, as well as the subsequent approval of reserved matters for Phase 1 etc. as set out above.

4.2 A total of 62 dwellings are now proposed on the remaining Phase 2 area of the site. No further employment provision is proposed on this Phase. However, the wider permission would still deliver up to 400sqm of B1 employment space overall as part of Phase 1. An 8.0 m undeveloped buffer zone is provided to either side of Black Brook whilst the remaining developable area of the site is defined by the existing wooded areas alongside the brook and site periphery. From the point of the main access, 2nd junction, the road layout principally takes the form of two main streets, running from west to east to follow the line of the river linked by a bridge, with shorter access routes branching off to other properties in a cul-de-sac type arrangement.

4.3 The dwellings proposed in Phase 2 comprise 16 two-bed houses, 15 three-bed houses and 31 four-bed houses presented as a combination of terrace, semi-detached and detached properties of a two and two-half storey scale with frontage off-street parking provision and rear gardens.

4.4 Facing materials comprise of either Forticrete Anstone, pitched face and ‘Olde Heather Gold’ to the walls beneath Cembrit natural-coloured blue-black artificial slates and boundary stone walls would match the surrounding walls. White uPVC windows, timber-grain effect, black composite doors and black uPVC rainwater goods are further proposed to the dwelling units.

4.5 The application and details attached to it, including the plans, supporting documents, representations made by residents and the responses from consultees - can be found on the Council’s website at:-

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet>

5. RELEVANT PLANNING HISTORY

HPK/2014/0582 Erection of a building to accommodate a D1 day nursery with ancillary worker accommodation and construction of a bin store – Approved February 2015.

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet>

HPK/2013/0577 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 (Reserved Matters - Large-Scale Major) – Approved January 2014.

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet>

HPK/2012/0323 Demolition of remaining structures & redevelopment for up to 182 dwellings, up to 1,672 sqm business floorspace (use class B1), up to 279sqm of non residential institution floorspace (use class D1), community facilities & associated infrastructure – Allowed at appeal May 2013.

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet>

HPK/2011/0683 Outline application for the redevelopment of the site – Withdrawn February 2012.

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet>

6. PLANNING POLICIES RELEVANT TO THE DECISION

Adopted High Peak Adopted Local Plan 2016

Policy S1 Sustainable Development Principles
Policy S1a Presumption in Favour of Sustainable Development
Policy S2 Settlement Hierarchy
Policy S3 Strategic Housing Development
Policy S6 Central Sub-area Strategy
Policy EQ1 Climate Change
Policy EQ5 Biodiversity
Policy EQ6 Design and Place Making
Policy EQ7 Built and Historic Environment
Policy EQ8 Green Infrastructure
Policy EQ9 Trees, Woodlands and Hedgerows
Policy EQ10 Pollution Control and Unstable Land
Policy EQ11 Flood Risk Management
Policy H1 Location of Housing Development

- Policy H3 New Housing Development
- Policy H4 Affordable Housing
- Policy CF3 Local Infrastructure Provision
- Policy CF4 Open Space, Sports and Recreation Facilities
- Policy CF6 Accessibility and Transport
- Policy CF7 Planning Obligations and Community Infrastructure Levy

Supplementary Planning Guidance

- Residential Design
- Landscape Character
- Housing Needs Survey
- Planning Obligations

National Planning Policy Framework (NPPF) 2012

National Planning Practice Guidance (NPPG)

7. CONSULTATIONS

Site notice	Expired
Press notice	Expired
Neighbours	Expired

Neighbours

In respect of the original submission, a total of 5 representations have been received, details of which can be read on the public file. The following is a summary of the objections and issues raised:-

- The bridge over Black Brook and approach from Chinley has no pavements, it is difficult for 2 cars to pass at the point of the bridge and the increase of traffic and pedestrians creates a significant safety hazard;
- The highway conditions have not been met in respect of the 90+ scheme and there would be surprise if the Council were to approve this application without ensuring that this work was carried out prior to the additional Phase 2 housing being approved;
- The footpath has not been constructed into Whitehough and this is extremely dangerous when taking the children to the new nursesey as well as for other pedestrians;
- Suggest that the footpath from the Old Chimney Stack to the Buxton Road would reduce the walking distance to the local primary school and in turn this would reduce congestion and school drop off / pick up times as well as providing a safer walking route for school children from the Whitehough direction;
- Parking in and around Chinley, including the station should be in place before allowing any further development;

- The site area is on a floodplain and the Environment Agency should be made aware of this matter;
- Concerning the previous use, further detailed contamination surveys must be carried out prior to any development;
- Existing community services are stretched and therefore should be improved before allowing any further housing development;
- It is queried why the community should pick up the costs for all the necessary improvements to safety hazards, services etc.
- Complaints concerning construction noise and disturbance in relation to the implementation of Phase 1;
- It is requested that the developer incorporate Solar Power into the design of the dwellings and other features of the development;
- The Bus Timetable and nearby supermarket have been inaccurately reported;
- The Post Office is scheduled to close in 2016 and bus service (190) is currently under review;
- Members of the Chinley and Buxworth Transport Group are currently pursuing a campaign to have a step-free access installed at Chinley Railway Station and the developers may consider a retrospective s106 goodwill payment towards this project when it becomes viable;
- As the owner (as well as local resident) of Paper Escape in Chinley, we have been trying to expand and relocate to bigger premises for over 2 years and it is disappointing that the area of land previously shown for employment use is now being considered for housing in the context of low levels of employment land in the area, with Ferodo and Forge Works being lost to housing. The applicant has stated that the proposed building would not be suitable for our purposes or affordable for purchase to ensure no further interest;
- With this in mind, it is suggested that the Council make provisions to ensure that this area of land can only be used for future commercial development;
- Paper Escape currently employ 16 people and are wishing to employ a further 10 following the expansion of premises, however, it is looking likely that the company will have to relocate to Stockport or Macclesfield if it cannot find suitable premises resulting in local job losses;
- Whilst the Chapel-en-le-Frith Neighbour Plan lists 9.44ha of land suitable for commercial development - this land, however, is not available for development now or in the near future owing to ownership and constraint issues;
- The employment land approved at Forgeworks would have been ideal for company expansion, however, the interests of the local community appear to be insignificant when compared to the potential income of housing for this developer, and,
- The Council do not appear to have acted upon the concerns of local residents and businesses regarding this development in general.

In respect of the revised scheme, a total of 5 representations have been received, details of which can be read on the public file. The following is a summary of the additional objections and issues raised:-

- There is significant vegetation to the top of the old boiler house, which will need attention before the chimney becomes a safety hazard;
- The development is in the hamlet of Whitehough and not within the more urban Chinley and the design characteristics of the scheme should reflect this;

- The footprints of the dwellings appear to be different to those of the initial 2013 outline scheme;
- There does not appear to have been any enforcement in relation to those conditions requiring highway improvement works at the junction of Forge Lane and Whitehough Head Lane;
- In light of this, it is suggested that some temporary traffic calming measures are introduced;
- The lack of provision of an additional safety feature for pedestrians on Green Lane is a critical safety issue;
- Contractors over the 7.5t weight limit continue to rat run along Whitehough Head Lane in the direction of Chapel-en-le-Frith and requests that action should be taken by the relevant authorities;
- There have been no works to the Tramway Trail or surrounding woodland as part of Phase 1, which should be undertaken with Phase 2;
- There is concern that there appears to be little or no progress for the replacement ponds / compensatory storage to support biodiversity in respect of loss of habitat through the development of this site, and,
- There is additional concern that the margins of the Black Brook 8.0m buffer zone do not appear to have been adhered to in places.

CONSULTATIONS:

Consultee		Officer response
Chapel-en-le-Frith Parish Council	No Objection. The Committee were pleased that at last, this brownfield development was to go ahead but insisted that all items relating to access, as recommended at the Public Inquiry, should be completed before work on the housing commences.	Noted.
Chinley Buxworth & Brownside Parish Council	The Parish Council welcomes this reduction in units in principle as it will put a little less pressure on the inadequate access and highway network serving the site.	Noted.
Environment Agency	No objection to the revised scheme. The information provided and the amended plans are sufficient to allow the EA to have no objection to Condition 20 provided that the amenity areas referred to in the s106 also include the buffer zone.	Refer to Technical Matters Section.
United Utilities	No objection to the revised	Noted.

	<p>scheme. United Utilities wishes to be notified of any information submission for the discharge of Conditions 14 and 15 in order to review and provide further comments as appropriate. Regarding the 'public grass land' to be located at the eastern boundary of the site (by the proposed turning point) this should be supplemented by additional planting / trees to form a better defined boundary line.</p>	
DCC Local Flood Authority	<p>The layout does not indicate where the watercourse diversions will be and the applicant has not applied for a Land Drainage Consent to do this (although this is independent of the planning process). The layout also seems to show that Watercourse B (as referred to in the Dec 2013 document) appears to be partly filled in with a branch diverted. This would also require a Land Drainage Consent.</p>	Refer to Technical Matters Section.
DCC Local Highway Authority	<p>No objections to the revised scheme, subject to conditions.</p>	Refer to Highways Section
DCC Archaeologist	<p>Archaeology does not form part of the reserved matters.</p>	Noted.
Derbyshire Wildlife Trust	<p>No objections to the revised scheme, subject to conditions.</p>	Refer to Nature Conservation Section.
HPBC Environmental Health	<p>Refer to comments made with regard to outline application HPK/2012/0323.</p>	Refer to Technical Matters Section.
HPBC Aboricultural Officer	<p>Awaited in respect of the detailed landscaping matters recently submitted</p>	Refer to Layout and Design Section.
HPBC Senior Horticulture Officer	<p>Clarification is required in respect of the management and maintenance of the onsite open space.</p>	As above.
Peak District National Park Authority	<p>No objection given the site's location between 500 – 1000 metres from the National Park boundary. This is also due to</p>	Noted.

	the proposed scale of the houses and the built development of Chinley providing an intervening feature / backdrop to the proposed housing development.	
Police Architectural Liaison Officer	No objection to the revised scheme.	Noted.

7. POLICY AND MATERIAL CONSIDERATIONS

Planning Policy

7.1 The determination of a planning application should be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

7.2 Section 38(6) requires the Adopted Local Planning Authority to determine planning applications in accordance with the development plan, unless there are material considerations which 'indicate otherwise'. Section 70(2) provides that in determining applications the Adopted Local Planning Authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan currently consists of the High Peak Adopted Local Plan Policies Adopted April 2016 and Chapel-en-le-Frith Neighbourhood Development Plan 2013-2028.

7.3 Paragraph 14 of the National Planning Policy Framework (NPPF) explains that at the heart of the Framework is the presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan they should be approved without delay.

7.4 Adopted Local Plan policy S1a establishes a presumption in favour of sustainable development as contained within the NPPF.

7.5 The Core Principles of the NPPF are set out in paragraph 17 which, amongst other things, seek to proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. High quality design should be sought and a good standard of amenity provided for all existing and future occupants of land and buildings.

7.6 Section 6 of the NPPF relates to delivering a wide choice of high quality homes. Paragraph 47 requires the Adopted Local Planning Authority to boost significantly the supply of housing by identifying a five year supply of housing land to meet the objectively assessed needs for market and affordable housing in the area. The Council is considered currently to have a five-year housing land supply. As at April 2017 the Council can demonstrate a 6.97 year supply and in these circumstances, the Council's housing supply planning policies are considered to be up-to-date.

7.7 A list of key policies, guidance and other material considerations is provided in Section 6 above.

Principle of development

7.8 The principle of the development as sought has already been established through the outline consent. However, a key element of the reserved matters will be to establish an appropriate mix of housing. Local Policy H3 'New Housing Development' states that the *"The Council will require all new residential development to address the housing needs of local people by:b) Providing a range of market and affordable housing types and sizes that can reasonably meet the requirements and future needs of a wide range of household types including for the elderly and people with specialist housing needs, based on evidence from the Strategic Housing Market Assessment or successor documents and c) Providing a mix of housing that contributes positively to the promotion of a sustainable and inclusive community taking into account the characteristics of the existing housing stock in the surrounding locality...."*. The application site also lies partly within the Chapel-en-le-Frith Neighbourhood Plan Area. This plan, however, does not provide any further policy in relation to the mix of housing.

7.9 The 2014 Strategic Housing Market Assessment (SHMA) recommended a re-balancing of stock away from small terraced housing and 3-bedroom properties towards 2-bedroom stock to support the elderly population. The following split was recommended: Property Sizes: 10% 1-bed; 45% 2-bed; 35% 3-bed and 10% 4-bed plus dwellings and Property Types: 30% semi-detached; 25% detached; 15% terraced; 10% flat / maisonette and 20% bungalow / specialist elderly accommodation. The SHMA, however, also recognised that a flexible approach was required to take account of viability issues and local provision. It went on to state that in relation to 4-bedroom properties, *"there is very much a mismatch with this level of 'need'; the amount of stock available and people's aspirations, which unsurprisingly are for larger homes."* At the time of the examination, the Adopted Local Plan emerging policies were viability tested. The Viability Study looked at the context of the Borough and assessed each area. Paragraph 4.56 quotes estate agents views on the level and type of need in the Central Area and stated that there is a need for semi-detached 2 and 3 bed dwellings. Given the differing positions identified above, it is clear that some variation in the housing mix as recommended by the SHMA could potentially be justified, subject to the consideration of the housing stock in the locality.

7.10 At the request of the Council, the applicant has submitted additional information in relation to the existing housing stock. The applicant has referred to data from the 2011 Census with assumptions made as to how this may relate to the SK23 postcode area. It is not clear, however, at which level (i.e. Borough, Ward or Parish) the Census data obtained by the applicant relates to the proposal. The 2011 Census data regarding the number of bedrooms per property in the existing housing stock has been obtained by officers for the Blackbrook Ward. The table below provides a comparison of the Census data for the ward with data from the applicant and the proposed mix.

Number of bedrooms	% of existing stock (applicants estimate for SK23)	% of existing stock (2011 census data for Blackbrook Ward)	% recommended in SHMA	% proposed
1	25	4	10	0
2	42	26	45	26
3	29	41	35	24
4	26	21	10	50
5+	Not stated	9		0

7.11 It is clear that there are discrepancies in data between the 2011 Census and the applicant's estimates. However, when comparing the existing stock as identified in the Ward data from the Census with the recommended levels from the SHMA, ideally, it would be expected that there would be a higher proportion of 1 and 2-bedroom properties and a lower percentage of 4-bedroom properties than is proposed in respect of Phase 2. Nevertheless, it should be acknowledged that the above figures represent a revised scheme with the applicant already increasing the number of 2-bedroom properties by two and re-classifying ten 4-bedroom properties as 3-bedroom properties. Accordingly, this has brought the scheme closer in line with the recommendations of the SHMA. In addition, the SHMA recognised the mismatch between need and aspiration in relation to the requirement for larger properties. This is a point touched upon by the applicant who also suggests that prospective purchases of the 4-bedroom properties may sell and therefore free up 2 and 3-bedroom properties for others.

7.12 On balance, whilst the mix of housing for Phase 2 does not fully accord with the recommendations of the SHMA, the applicant has had some regard to the characteristics of the existing housing stock and amended the scheme to provide a more suitable mix than originally planned, including the required provision of affordable housing dwelling units to accord with Adopted Local Plan Policy H3.

7.13 As set out above, outline planning permission for up to 182 dwellings, up to 1672sqm of business floorspace (Use Class B1), up to 279sqm of non-residential institution floorspace (Use Class D1), community facilities and associated infrastructure was granted on appeal. The approved reserved matters permission ref. HPK/2013/0577 relating to 3.99 ha of land forming the first Phase of the development for the construction of 91 dwellings is now well underway with some units now occupied. This Phase also included the layout provision for a B1 office unit (400 sqm). However, no further details have yet come forward. The proposal for the larger crèche equating to 690 sqm of floorspace was approved by means of a separate permission ref. HPK/2014/0582 and has now been implemented.

7.14 Phase 2 proposes a scheme of 62 dwellings with no further employment provision. This would include the residential development of 9 dwellings on the small parcel of land to the west of the site, which was previously indicated for employment purposes in respect of the approved outline scheme. The wider scheme would therefore achieve 400sqm (c.25%) of the "up to" 1672sqm of employment space granted at the outline stage. The scheme, however, proposes a total of 153 dwellings site wide, which represents a c.20% reduction in overall dwellings numbers from those approved at the outline stage. As well a

significantly larger crèche has been achieved by a further permission. In this context, 400sqm of B1 employment provision would by no means be considered to be “de minimis” in respect of achieving an appropriate land use mix in the context of the outline permission granted on this former employment site.

7.15 In response to concerns raised by Paper Escape, Wain Homes state that they have had no direct dialogue with Paper Escape. However, they state that they would welcome discussions for the employment land indicated. It is also stated that Paper Escape turned down an offer to negotiate terms some five years ago with the previous owners of the site and moved to other premises. Wain Homes further set out that if they have future expansion plans then they would be very interested in meeting with them and confirm that this land is shortly to be marketed. The comments of the Council’s Regeneration Section are awaited in respect of the objection received concerning lack of employment land and facilities within the area and will be reported to Members at the meeting.

Highways

7.16 Matters of sustainable patterns of transport in respect of site location and means of site access were established at the outline stage. As discussed above, detailed reserved matters have been approved for Phase 1 (including the crèche) for this major scheme, which is well underway and occupied in parts.

7.17 The approved access to the site from Forge Road follows the road towards Forge Terrace. Two new junctions to serve the residential and commercial areas separately were established as part of the approved Phase 1 reserved matters scheme. The proposed residential development of the west of the site for 9 dwellings would be accessed via the first junction from the main access point, which also serves the crèche and B1 employment unit. From the 2nd junction, the road layout principally takes the form of two main streets, running from west to east to follow the line of the brook (to be linked by a bridge), with shorter access routes branching off to other properties in a cul-de-sac type arrangement. The road in front of Forge Terrace would still continue to provide access for the residents of those properties and act as an emergency access into the site rather than through road. The Phase 1 internal roads will be adopted by the Local Highway Authority. The applicant has confirmed that it is expected that Phase 2 will further be adopted. However, in accordance with Condition 10 of the outline consent, the site layout must generally be designed to adoptable standards.

7.18 The revised plans broadly provide a scheme, which would meet County Council highway standards. Matters regarding the requirement for a swept path analysis, further bridge details and forward visibility can be dealt with as suitably worded planning conditions. Modest revisions required to the street layouts can be reviewed as part of the Highway Authority’s separate technical approval process, if consent is granted, as any slight modifications would not affect dwelling plot positions.

7.19 With respect to parking provision, the layout generally shows the majority of the four bedroom units having three off road parking spaces provided by way of driveway parking and internal garages. With respect to the affordable housing, two spaces are provided for the two and three bedroom units, with the one bedroom apartments have one space each. It is further noted that parking space sizes are now generally acceptable and whilst the level of parking for plot numbers 96 to 99, 115 to 120 and 140 to 143 still have less than 2

spaces per dwelling, it is considered that highway objection would not be sustainable for this element alone.

7.20 In respect of highway layout concerns raised by local residents, this appears to be in part related to the delay of the s278 works agreement for the Green Lane / Whitehough Head Lane works. By means of an update, Wain Homes have set out that: : *“A Section 278 Highways Agreement, for the road improvement works to Green Lane / White Hough Head Lane has been entered into with Derbyshire County Council and Wainhomes has appointed a civil engineering contractor. The works are scheduled to commence week commencing 2nd October 2017 subject to Derbyshire County Council’s agreement which is awaited and will take approximately 8 weeks to complete. Works include traffic calming measures, new street lighting, improved footpaths in part and road demarcation for pedestrians. There will, understandably, be some inconvenience to residents and road users, including pedestrians, during the period these important highway improvements are being undertaken. Wainhomes and their contractor will seek to minimise any inconvenience”.*

7.21 In these respects, the proposal, therefore, complies with the provisions of Section 4 of the NPPF and policy CF6 of the adopted Adopted Local Plan in this regard.

Technical Matters

7.22 Section 11 of the NPPF seeks to prevent unacceptable risks from pollution and land stability to ensure new development is appropriate for its location. Similarly, Adopted Local Plan Policy EQ10 ‘Pollution Control and Unstable Land’ seeks to protect people and the environment from unsafe and polluted environments, requiring mitigation if necessary.

7.23 Matters of contamination and flood risk were assessed at the outline stage and found to be acceptable subject to conditions, which are detailed on the outline consent approval. As for Phase 1, the Phase 2 reserved matters consent also seeks the discharge of Conditions 16 and 20 of the outline consent, which requires the applicant to provide details relating to any required watercourse diversion (Condition 16) and a scheme for an undeveloped buffer zone from Black Brook (Condition 20) prior to the submission of a reserved matters application.

7.24 In these regards, the Local Flood Authority (DCC) have commented that the layout does not indicate where the watercourse diversions will be and the applicant has not applied for a Land Drainage Consent to carry out such works (although this is independent of the planning process). Further, the layout appears to show that Watercourse B (as referred to in the December 2013 document) would be partly filled in with a branch diverted and this would also require Land Drainage Consent. The Environment Agency confirm that the Phase 2 reserved matters plans and information provided are sufficient to allow the EA to have no objection to the discharge of Condition 20 provided that the amenity areas referred to in the S106 also include the buffer zone. As part of Condition 20, a scheme is required for the provision and management of the buffer zone and these details are currently awaited. At the present time, therefore, Conditions 16 and 20 cannot be formally agreed until the Council are satisfied with full details to be provided in consultation with the Local Flood Authority (DCC), Derbyshire Wildlife Trust and the Council’s Aboricultural Officer. The applicant has been requested to provide further

information in respect of Condition 16 and accordingly Members will be updated at the meeting.

7.25 Broadly speaking, the proposed development is considered to comply with Policy EQ10 of the Adopted Local Plan and Chapter 11 of the NPPF.

Nature Conservation

7.26 Section 11 of the NPPF outlines that Local Planning Authorities should aim to conserve and enhance biodiversity. Paragraph 109 seeks to minimise impacts and provide net gains in biodiversity where possible. Adopted Local Plan Policy EQ5 (Biodiversity) echoes this advice, advising that biodiversity and ecological resources should be conserved.

7.27 Derbyshire Wildlife Trust (DWT) support the Phase 2 revisions and the recently provided Landscaping Plans from an ecological perspective including the creation of new ponds, the maintenance of an 8.0m buffer zone to the existing Black Brook and welcome the proposed creation of 4 new ponds to provide suitable mitigation for the local Common Toad population. They, however, advise that the submission and approval of a Landscape and Ecological Management Plan for all retained and created habitats including the new ponds and the 8.0m buffer zone to the Black Brook should be secured by a planning condition. This matter is dealt with in respect of Condition 20 of the original outline consent as set out above. Given DWT's comments, including those of the EA above, the site layout is deemed to be satisfactory in these regards. In addition, in view of the significant vegetation removal that will be required to facilitate the development, particularly in the area of the former reservoir which has become colonised with willow scrub and reedbed with high suitability for nesting birds, DWT advise a suitably worded condition to safeguard nesting birds.

7.28 In these respects, the scheme complies with Local Plan Policy EQ5 and Chapter 11 of the NPPF.

Layout and Design

7.29 Section 11 'Conserving and enhancing the natural environment' of the NPPF, confirms that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valuable landscapes. Further, the NPPF highlights that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Paragraph 58 requires development to function well and add to the overall quality of the area for the lifetime of the development. It should respond to local character and history and reflect the identity of local surroundings and materials whilst reinforcing local distinctiveness.

7.30 Adopted Local Plan Policies S1 'Sustainable Development Principles' and EQ6 'Design and Place Making' seek to secure high quality design in all developments that responds positively to its environment and contributes to local distinctiveness and sense of place by taking account of the distinct character, townscape and setting of the area. The adopted Supplementary Planning Document on Residential Design (2005) also provides

guidance on the approach to new residential development and the factors which contribute toward local distinctiveness.

7.31 As set out above, the overall site area included in this Phase 2 application comprises a total area of 3.6 ha and this is split as follows: the easterly site being 3.4 ha and the westerly site being 0.4 ha. The scheme would provide most of the residential development within the eastern site, which is located to either side of the brook defined by its easement and the existing wooded areas within and to the edge of the site. The road layout principally takes the form of two main streets, running from west to east to follow the line of the brook to be linked by a bridge, with shorter access routes branching off to other properties in a cul-de-sac arrangement. A further cul-de-sac type arrangement would accommodate 9 dwellings within the western part of the site. It would be accessed from the first junction into the site, which also serves the crèche and employment unit. In almost all cases, houses would front onto the access roads, with driveway parking and small garden areas provided to the front of properties and in some cases the provision of in-plot garages.

7.32 Within Chinley and Whitehough, there are a variety of housing types and materials, emanating from the period of construction. Forge Terrace and properties within Whitehough are mainly constructed with natural stone and slate roof tile, whereas in Chinley there are some examples of brick and clay roof tile houses. A number of housing types are proposed comprising mostly 2-storeys dwellings, which are arranged as detached, semi detached and terraces houses. The houses would be constructed predominantly with artificial stone, with only one house type, the semi-detached “Jenner” finished in render.

7.33 The revised plans have improved density by reducing overall dwelling numbers and repositioning houses within the street scene to achieve a more spacious layout, which in turn has allowed the overall layout to be more coherently read with Phase 1. The design of houses reflects the traditional detailing found on houses elsewhere in Chinley and are as approved for Phase 1. Where boundary walls are to be constructed within the street scene, to enclosure private amenity areas, these will comprise 1.8m stone walls, which will form a strong means of enclosure within the street scene. It is, however, recommended that a planning condition be imposed requiring the submission of materials, including the colour of the proposed render, and details of boundary treatment.

7.34 Accompanying this application is an Arboricultural Assessment and landscaping details, which sets out the trees to be removed and those to be retained within the Phase 2 site area. The scheme would retain the existing wooded areas within and to the edge of the site as illustrated on the layout plan. The applicant has submitted further detailed landscaping plan information in an attempt to satisfy the landscaping element of the reserved matters proposal. The comments of the Arboricultural Officer are awaited and Members will be updated at the meeting in respect of this aspect of the scheme.

7.35 As such, the scheme accords with Policy EQ6 of the Adopted Local Plan and paragraph 17 of the NPPF.

Residential Amenity

7.36 Paragraph 17 of the NPPF requires a good standard of amenity for all existing and future occupants of land and buildings. Adopted Local Plan Policy EQ6 also stipulates that development should achieve a satisfactory relationship to adjacent development and should not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing or other adverse impacts on local character and amenity.

7.37 The closest residential properties to the site are those in Forge Terrace, to the north, which are some distance away from the Phase 2 site. In order to ensure that adequate privacy distances are maintained, a distance of 21m should be provided between the faces of buildings and as such in terms of the relationship to proposed residential properties, the proposals would meet the Council's privacy standards. These distances have been achieved and as such, the scheme accords with Policy EQ6 of the Adopted Local Plan and paragraph 17 of the NPPF.

7.38 Furthermore, adequate separation distances will be provided between the proposed dwellings within the development, and ample garden areas for the usual activities of outdoor recreation, drying washing, horticulture, play space for children etc will be provided for each new property. The proposal meets the amenity requirements of Policy EQ6 and the NPPF in this respect also.

S106 Planning Obligations

Affordable Housing

7.39 In relation to the delivery of affordable homes in Phase 1, Wain Homes are developing the following affordable homes with an estimated completion date of November 2017: 6 x 1 bed rental apartments; 4 x 2 bed houses shared ownership; 4 x 2 bed house rental; 7 x 3 bed house shared ownership and 6 x 3 bed house rental. Wain Homes are working with Registered Providers to deliver the affordable housing, specifically Equity Housing Group Limited for rented and Heylo Housing for the shared ownership.

7.40 On appeal in 2013, a Section 106 agreement was entered into to provide for play, open space, education and off-site highways contributions together with provision of 30% affordable housing. A number of s106 variations are requested to facilitate the delivery of the affordable housing. Some of these amendments are in accordance with standard clauses that are now incorporated into the Council's standard agreement but do not appear in this original s106 as the agreement predates these clauses that all Registered Providers now require. Other amendments required reflect specific technical requirements of the Heylo Housing operating model. Heylo are a Registered Provider and the amendments are well within the scope of amendments that would normally be agreed as part of the completion of a s106 where specific requirements of Registered Providers are accommodated where possible. Here the amendments continue to facilitate provision of the affordable housing on site, do not vary significantly from standard and will ensure provision of good quality affordable housing.

7.41 Finally, the original s106 did not anticipate that the development would come forward in Phases and this has caused some problems with delivery of both contributions and delivery of affordable units. Accordingly, in relation to affordable housing amendments are

sought to the timing of the completion of open market dwellings relative to the completion affordable dwellings. The revised clause facilitates a balance between securing the delivery of affordable housing in relation to the development of this part of the site, construction of a bridge and the commercial dwellings. Accordingly delivery of the 30% affordable units will come later in the development of Phase II while 30% of the affordable housing remains deliverable on Phase I in accordance with the original agreement.

Other Contributions and Amendments

7.42 As set out above contributions due either before development commenced or shortly afterwards have not been paid because the total amounts were to be calculated by reference to house types across the whole development site and without Phase 2 being approved these were impossible to calculate. In order to overcome this difficulty the developer seeks an amendment to pay all the Phase 1 money now (for play, open space, education and highways) and to pay the remainder when they commence development on Phase 2. The amendment is appropriate and reflects the factual position on site, i.e. a phased development rather than it being brought forward as a whole. There are also other amendments reflecting the phased approach such as timing of agreeing a site management company for on site roads and any unsold areas of open space on the site. In relation to the on site roads it is noted that the Phase 1 roads are to be adopted and this also requires a minor amendment.

7.43 In addition the Parish Council have requested that the off site highways contribution be amended to better reflect need in the village. Rather than bike racks and bus shelters (which they already have) the money is to be applied to improving accessibility to the railway station. The developer has agreed to make this change.

8. CONCLUSION AND BALANCE

8.1 The National Planning Policy Framework provides for a presumption in favour of sustainable development. Sustainability includes economic, social and environmental roles. The 'presumption' in favour of sustainable development entails approving development proposals that accord with the development plan without delay.

8.2 The proposal would provide a deliverable housing site to meet the requirements of the Central sub-area community, including the provision of appropriate levels of affordable housing whilst remediating and making effective use of this contaminated, brownfield site as established at the outline planning application stage. It would further provide for a mix of types and tenures of quality homes to meet the needs and aspirations of existing and future residents within a layout, which would protect and mitigate against loss in respect of the environmental quality of the site.

8.3 Accordingly, the scheme is considered to be sustainable and should be approved without delay.

9 RECOMMENDATION

Planning permission be granted, subject a variation of the 106 dated 25.4.13 as described above and the following conditions:

Condition number	Brief Description	Comment
Nonstd	Details of external materials to be submitted, approved and implemented.	
AP01	Details of boundary treatment to be submitted, approved and implemented.	
Nonstd	Details of levels information to be submitted, approved and implemented.	
Nonstd	Details of bridge to be submitted, approved and implemented.	
Nonstd	No development to take place in bird nesting season unless survey undertaken	
	Any additional conditions required by the Local Highways Authority. (TBC)	
	Any additional conditions required by the Trees Officer (TBC)	

Informatives:

1. The applicant is advised that the development should only commence in accordance with the conditions imposed under the outline consent HPK/2012/0323 and the terms of the Section 106 agreement.

2. Where relevant, the applicant is advised that all condition precedent imposed under the outline consent HPK/2013/0323 should be agreed with the Adopted Local Planning Authority.

During the course of the consideration of the application the Council sought amendments to the proposals to ensure that that overall layout and design of the building reflected the character of the surrounding area. It is therefore considered that the proposals meet the provisions of paragraphs 186-187 of the NPPF.

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Operations Manager – Development Services has delegated authority to do so in consultation with the Chairman of the Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 187 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

Site plan



