

23rd October 2023

HPBC DEVELOPMENT CONTROL COMMITTEE

UPDATES REPORT

HPK/2023/0286 – Land at Forge Works, Chinley

Chinley, Buxworth and Brownside Parish Council:

No comments.

Chapel Parish Council:

At our Planning Committee yesterday, it was unanimously resolved, re this application, to support the Planning Officer's written report to HPBC's Planning Committee.

Agent:

The following correspondence has been circulated to all Members of the Development Control Committee on the 9th November 2023, which is summarised as follows:

- Outline of planning history in relation to the Forge Works site,
- Compliance with Local Plan (LP) Policies S1 'Sustainable Development Principles' through the provision of homes in sustainable locations making effective and efficient use of land whilst acknowledging Policy S1 also requires the provision of a range of economic development in sustainable locations,
- Consider LP E1 'New Employment Development' is not directly relevant as the proposal is not seeking an employment use and references the extant permission for a live / work at the application site,
- LP Policy S6 'Central Sub-area Strategy' is further considered irrelevant to the proposal given the site is not in an existing employment use whilst noting 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 LP Policy E4 'Change of Use of Existing Business Land and Premises', however, state that the site is not in existing employment use and the extant planning permission for a live work unit is no longer required whereby the site is not allocated for employment use and therefore alternative proposals should be considered against the Development Plan,
- Highlights that the NPPF defines Use Class B1 as a 'main town centre use' falling within new Use Class E and therefore any planning application would require the applicant to meet with the sequential test stating that the Council would consider such uses appropriate in this location,
- Or, if the existing consent was built out, there would be nothing to prevent the building from being used by an alternative uses within Class E,

- Previous studies have identified the site location to be constrained for employment use, including its remote location away from centres of population, transport infrastructure issues and it being an out of centre site,
- As well, the introduction of an alternative employment use on the site to Use class B1 would have a greater potential to have an adverse impact on the residential amenity to the occupiers of the nearby dwellings due to the operating hours and vehicle movements to and from the site,
- The High Peak Housing and Economic Lands Needs Assessment (HELNA) undertaken in 2022 does not list the Forge Works site as available employment sites within the Borough and therefore consider LP Policy E4 is irrelevant given it does not form an 'existing business or industrial land or premises',
- Even if LP Policy E4 is considered to apply to the site, then the location is constrained (to comply with E4), and therefore there are other material considerations which indicate that planning permission should be granted for residential development,
- Indicative drawings have been submitted, showing one option of how the site could be developed to show how the maximum number of 9 units could be achieved on the site under the PIP regulations, and,
- The design, location and size of any proposed residential development falls to be considered under Stage 2 of the PIP process.

Case Officer:

Environmental Impact Screening (EIA):

The application does not fall within either Schedule 1 or 2 development thresholds.

Permission in Principle (PIPs):

The proposal is for a PIP. This consent route has two stages. The first stage establishes whether a site is suitable in principle, and the second stage, for Technical Details Consent (TDC). The proposal is at the first stage which is to establish whether a site is suitable in principle for development and is limited to (1) location, (2) land use and (3) amount of development.

In respect of residential development, an applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum number of net dwellings as part of the application. In this instance, a permission in principle has been sought for between two and nine dwellings and the proposal has been determined on this basis, having regard to the requirements of the relevant legislation, the Development Plan, the Planning Practice Guidance and any other material considerations.

Location

Firstly, the location of the scheme is deemed to be suitable for the scale of housing proposed having regard to the accessibility of services and facilities within the area with the larger village of Chinley.

Land Use

The following LP policies are of relevance to the assessment of the scheme proposing a wholly residential development in the context of the wider site's planning history securing a mixed use development as set out below.

High Peak Adopted Local Plan

LP Policy SS1 'Sustainable Development Principles', amongst other matters confirms "*Supporting the local economy and businesses by providing for a range of economic development that provide employment opportunities suitable for local people in sustainable locations, and generally encourage larger developments to incorporate mixed uses where possible so as to reduce the need to travel ...*".

LP Policy SS6 'Central Sub Area Strategy' states that: "The Council will seek to promote the sustainable growth of the Central Area such that it reflects the historic character of the settlements, provides increasing range of employment opportunities, promotes the growth of a sustainable tourist economy and meets the housing needs of the local community. This will be achieved by:

3. *Encouraging the growth of local employment opportunities and supporting the diversification and growth of local business by:*

- *... Supporting the creation of higher technology businesses*
- *Supporting the retention and provision of employment within mixed redevelopment of the industrial legacy sites ...*
- *Safeguarding existing employment sites for industrial and business use unless specifically allocated for an alternative use*".

LP Policy E1 'New Employment Development' states: "*New business and industrial developments in sustainable locations that contribute towards the creation and retention of a wide range of jobs, education and training opportunities will be supported. This will be achieved by:*

- *Supporting the development of sites allocated for future employment ...*
- *Protecting employment allocations, Primary Employment Zones and non-designated employment premises to ensure that development would not result in the loss of land or buildings from employment use unless the proposals accord with Local Plan Policy E4 - Change of Use on Existing Business Land and Premises*
- *Supporting business development outside of allocated employment sites or Primary Employment Zones but within the built up area when it would not create undue harm to the character, appearance or amenity of the area ...*

LP Policy E4 'Change of Use of Existing Business Land and Premises' states: "*Development proposals involving the redevelopment or change of use of existing business or industrial land or premises (falling within Use Classes B1, B2 or B8) 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 needs will not be permitted”.

The High Peak Housing and Economic Land Needs Assessment (HELNA) dated September 2022 key findings in relation to the economy identifies the following matters:

- There is little to no need for additional office floorspace,
- There continues to be a demand in both Buxton and Glossop for industrial units whereby small industrial estates serve a stable market,
- The Borough has a relative scarcity of smaller industrial sites between 2,000sqft (188sqm) and 3,000sqft (279sqm) per unit and these are the units most in demand, and,
- Based on an assessment of a variety of demographic and economic scenarios, the likely overall need for employment land is within the range of 25-34ha, however, based on past trends, the need could be as high as 54ha.

The site’s planning history represents an important consideration in the assessment of the scheme as set out below.

The parent outline planning permission ref. 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*’ was allowed at appeal May 2013 with planning conditions and a s106 legal agreement.

The extant reserved matters planning permission ref. HPK/2013/0577 is for the ‘*Application for Approval of Reserved Matters following Outline Approval For Phase 1 - Construction Of 91 No. Dwellings, 1no. B1 Office Unit And 1 no.D1 Creche Unit Including Access From Green Lane / Whitehough Head Lane and Associated Works (Reserved Matters - Large-Scale Major)*’ was approved with planning conditions January 2014.

These planning permissions have been largely implemented other than the extant reserved matters approval securing 420.0sqm of Use Class B1 office space upon the application site. A separate planning permission secured the children’s day nursery, which is now occupied.

Following on, full planning permission ref. HPK/2019/0417 has been approved 'Construction of new building comprising of B1 offices / Workshops on the ground floor and a flat above' dated 14th April 2020. Subsequently, ref. HPK/2022/0520 for a 'Certificate of Lawful Proposed Development to confirm that the construction of a new building comprising B1 offices / workshops on the ground floor with a flat above pursuant to planning permission HPK/2019/0417 would be lawful' was found to be acceptable on the 20th January 2023.

In these regards, certificate ref. HPK/2022/0520 has confirmed a material start has been undertaken onsite (i.e. access / car parking works) in conjunction with ref. HPK/2019/0417 for the live / work unit and therefore the development as described can be carried out lawfully.

Whilst a start of works has been implemented for the live / work unit (i.e. limited engineering works), for a fallback position to exist there must be a realistic and not just a theoretical prospect of the fallback position being an alternative in undertaking the planning assessment. In these regards, the applicant's further submissions reaffirms that: "*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*".

Fundamentally, and in these circumstances, and to clarify the officer report in these regards, the applicant cannot reliably rely on the live / work unit planning permission as a fallback position given it is clearly stated that it is 'no longer required' (officer emphasis) and therefore the approval is highly unlikely to be constructed in the absence of an identified alternative operator.

In addition, whilst Use Class B1 (light industrial / office) now falls within 'flexible' Use Class E, this does not mean that a future operator / occupier would not choose to implement an employment generating use, particularly given the demand as identified within the HELNA.

Nevertheless, certificate ref. HPK/2022/0520 confirms the proposed lawful use of the site in relation to ref. HPK/2019/0417 for the live / work unit providing for c.204.0sqm of workshop / studio space and therefore would be assessed for the purposes of employment monitoring with regard to the local plan and counted as an employment commitment in these regards. The employment commitment and proposed loss to wholly residential would therefore need to be tested against the relevant Local Plan Policies protecting employment land / premises as listed above requiring the submission of robust marketing evidence to justify the loss of the application site to housing development.

Furthermore, whilst the relevant extant reserved matters planning permission securing a B1 (Office Unit) providing 420.0sqm of commercial floorspace can no longer be implemented given the commencement of the live / work unit – this does not mean in planning policy terms that a further commercial / employment use compatible with existing residential and community development cannot be supported within the context of relevant planning policy and site history as identified above. Indeed, the HELNA has identified a relative scarcity of smaller industrial sites and states such units between 188.0sqm and 279.0sqm are most in demand.

Accordingly, the development leading to the loss of employment land / premises would be contrary to the provisions of the development plan as a whole as well as the NPPF to justify the first reason for refusal.

Referenced LP Policy S5 within the principle reason for refusal will be correctly updated to S6.

Amount of development

Thirdly, regarding the amount of development, the precise number, size and design of dwellings does not fall for consideration now. As a result of this, the form and extent of the built form inherent to any proposal for a maximum of nine dwellings would need to be acceptable in character and appearance terms and should not harm the living conditions of future occupiers of such dwellings or adjacent occupiers.

The PIP seeking a maximum of 9 dwellings would only be likely achieved as a high density development given the limited application site area of c.0.14ha. Parking requirements equate to 14 spaces for nine x 1 / 2 bedroom units, in addition to secure cycle provision.

Nationally Described Space Standards (NDSS) for technical housing standards prescribes internal spaces for new dwellings across all tenures. A total of nine, one-bedroom, 2-person apartments would each require a minimum of 50.0sqm of Gross Internal Area (GIA) floor space to total 450sqm GIA. This requirement is lowered to 351.0sqm should single person units be provided. Such floorspace standards relate to individual units noting any apartment scheme would likely need to demonstrate suitable access to dwellings, in relation to circulation space, including staircases and or / lifts.

The applicant's illustrative floor plan shows a combination of a single 1-bedroom and two, 2-bedroom apartments with circulation space with an approximate gross floor space of 262.0sqm and would total 786.0sqm across 3 floors should this layout be adopted.

The approved live / work unit, however, provided for workshop and studio space @ c.204sqm on the ground floor below a 4-bedroom dwelling @ c.129.0sqm totalling 333.0sqm. A first floor terrace provided for a significant set back from the Forge Road frontage to provide for a scheme with a 1½ storey scale. The approved scheme was found to be acceptable with particular regard to character and appearance and neighbour amenity matters.

As stated within the officer report, it is not considered that the applicant can deliver a maximum of 9 dwellings onsite without the provision of a high density scheme i.e. 3 storeys, when considering minimum floorspace and car parking standards. Notably, whilst acknowledging its illustrative nature, the applicant's submission has only sought to demonstrate the maximum development scale through the provision of a 3-storey apartment block. Helpfully, the indicative elevations submitted show an outline of the approved live / work unit against the illustrative 3-storey apartment

block. It confirms the proposed dominant and intrusive 3-storey form of the illustrative proposal, within a two-storey context, which is exacerbated by falls in level towards Forge Road for this prominently located site.

Accordingly, the Planning in Principle as sought would lead to adverse impacts, concerning character and appearance matters, whereby the development would be construed as intrusive within the street scene and overbearing to adjoining neighbouring properties, particularly those which are sited to the south of the application site.

Accordingly, the development leading to an intrusive and overbearing form of development would be contrary to the provisions of the development plan as a whole as well as the NPPF to justify the second reason for refusal.

Flood Risk:

NPPF paragraph 167 states: “*When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment*⁵⁵ .

(55) A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use”.

A significant area of the application site is affected by Flood Zones 2 and 3. In these circumstances, ordinarily a Flood Risk Assessment (FRA) would be required to support the residential scheme, however, this would be sought at the second stage for ‘Technical Details Consent’ should the Planning in Principle (PIP) be granted at the first stage.

Proactive Working: The proposed land use for residential development is not considered to be acceptable in principle. The proposal would therefore conflict with the development plan as a whole, and there are no other considerations worthy of sufficient weight, including the provisions of the National Planning Policy Framework (NPPF), which would outweigh this finding. It is therefore considered that the applicant is unable to overcome such principle concerns and thus no amendments to the application have been requested.

HPK/2023/0233 – Oaklands Manor, Manchester Road, Buxton

Points of clarification:

1. The Committee Report identifies the proposal as the *CHANGE OF USE OF RESIDENTIAL OUTDOOR PURSUITS TRAINING CENTRE (CLASS F1) TO*

ACTIVITY BASED RESIDENTIAL CARE HOME FOR UP TO 8 YOUNG PEOPLE AGED 10 YEARS (CLASS C2).

The description of development in the application form is for the *CHANGE OF USE OF RESIDENTIAL OUTDOOR PURSUITS TRAINING CENTRE TO A RESIDENTIAL CARE HOME FOR UP TO 8 YOUNG PEOPLE FROM AGED 8 YEARS*

The description of development was changed prior to the validation of the application and proposed description in the Committee Report is an error.

The proposals have been considered, and Committee Report prepared, on the basis of the Description of Development in the application form i.e that the site would be occupied by children aged 8 to 17. The application should be considered on this basis.

2. The submitted planning statement indicates that, typically, there would be no more than 2 residents on site at any given time. This relates to how the applicant intends this specific site to operate. It is noted that Derbyshire Police have provided their comments on the basis of “up to” 8 residents and typically the lower number.

Notwithstanding this, the proposals make provision for up to 8 residents, including support staff, and there can be no certainty that the site would operate at any lower rate of occupation. As confirmed in the main report, the children would be cared for on a ratio of 2:1. Therefore the maximum occupancy at the site would be 24. The application proposals should be considered on this basis of the maximum occupancy of the site.

It is considered that it would be unreasonable to limit the number of cared for occupants on site at any one time to below that which has been applied for in the description of development. It is therefore suggested that a suitably worded condition on the restriction of use limits the number of cared for residents to 8 non-adults.

HPK/2022/0525 – Land at Graphite Way, Hadfield, Glossop

Manchester Airport

Awaited.

Agent:

The agent is unable to provide revised plans omitting floor plans within the requested timescales and therefore has request that the application scheme be determined based on the current information.

Case Officer:

In addition to the reasons for refusal contained within the officer report, the scheme fails to provide sufficient onsite car parking leading to highway safety concerns and an additional reason for refusal is proposed in these circumstances.

HPK/2023/0338 – Old Hall Inn, Unnamed Road from Whitehough Head Lane, Whitehough

No updates

HPK/2023/0087 – Market Hall, Market Place, Glossop

Clarification:

The Consultation response from Mel Morris is in her role acting in lieu of Conservation Officer for High Peak Borough Council Development Services. Although the response considers various options it is important to clarify that only Option 3 has been applied for. The application does not present an opportunity for Members to consider alternative schemes. The Committee must make a decision on the scheme before them. However, the Options appraisal demonstrates that alternatives have been considered by the design team and why the scheme which has been applied for is the least harmful / carries most public benefit

HPK/2023/0363 – Buxton Leisure Centre, Johns Road, Buxton

No updates to provide.