

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

25th March 2024

Application No:	HPK/2024/0055	
Location	Land at Forge Road, Chinley	
Proposal	Permission in principle for the construction of one dwelling	
Applicant	Wain Homes (North West) Limited	
Agent	Hourigan Planning	
Parish/ward	Chinley	Date registered 14.02.24
If you have a question about this report please contact: Rachael Simpkin rachael.simpkin@highpeak.gov.uk 01538 395400 ext. 4122		

1. REFERRAL

- 1.1 This planning application has been referred to DC Committee as it is has been called in by Councillor Benham.

2. SUMMARY OF RECOMMENDATION

REFUSE

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The scheme relates to a 0.037 hectare greenfield, broadly rectangular site containing mature trees and fronting Forge Road (north) on the periphery of the residential estate 'Forge Manor' nearing completion. Immediately to the east, the application site adjoins Forge Terrace and associated land. To its southern boundary, it would abut no. 1 Blackbrook Drive, a detached dwelling. To the west, and adjacent, is a parcel of previously developed land subject to an extant consent for a live / work unit. The children's nursery further beyond adjoins the site under construction for 12 further residential units intersected by unmarked public footpath. The Chinley and Whitehough Conservation Area lies further to the west.
- 3.2 The application site is located within the Adopted Local Plan built up area boundary and flood zone 1. In addition, it also falls within the Chapel-en-le-Frith Neighbourhood Plan Area and Housing Allocation HS2 'Former Dorma Site'. The site is also identified as a mixed-use allocation under the previous local plan in relation to policies EP4/HG1 and is identified by Figure 7.2 within the neighbourhood plan.
- 3.3 The wider residential development lies in a dip to the south of the village of Chinley and north of the hamlet of Whitehough being nestled between Black Brook to the north and the Peak Forest Tramway to the south. The Black Brook watercourse lies adjacent on the northern side of Forge Road. To the north of the defined village settlement boundary is the Peak District National Park.

- 3.4 The villages of Chinley and Whitehough benefit from a range of local shops, post office, public houses and a local primary school. Chinley Railway Station is 700 metres away and provides mainline services to both Manchester and Sheffield. Bus services from Chinley also provide links to the local towns of Chapel-en-le-Frith and Glossop.

4. THE APPLICATION PROPOSAL

- 4.1 Permission in Principle (PIP) is sought for the construction of a single residential unit. No indicative plan drawings have been submitted showing how the site could be developed.
- 4.2 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?PKID=265876>

5. RELEVANT PLANNING HISTORY

- HPK/2023/0286 Permission in principle for residential development. Refused 13th November 2023.
- HPK/2022/0520 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. Deemed lawful 20th January 2023.
- HPK/2021/0234 Variation to Section 106 Agreement (HPK/2012/0323) to reduce affordable housing provision. Completed 12th January 2022.
- HPK/2021/0216 Reserved Matters application (revised) 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). Approved with conditions 5th April 2023.
- HPK/2020/0518 Vary section 106 planning obligation to reduce affordable housing provision relating to HPK/2012/0323 (appeal ref. APP/H1033/A/13/2189819). Refused 25th May 2021.
- HPK/2020/0197 Application for variation of condition 1 in relation to HPK/2016/0313. Withdrawn.
- HPK/2019/0561 Detailed Planning Application For Revisions To Layout Approved Under Reserved Matters Approval HPK/2016/0313 (Phase 2) Comprising Alternative Road Layout, The Repositioning Of A Bridge Crossing Black Brook And Revised Dwelling Types For Plots 110 – 114. Refused 13th November 2020 and appeal dismissed.

- HPK/2019/0518 New access / parking arrangements for Chinley Day Nursery. Approved with conditions 21st August 2020. Approved with conditions 21st August 2020.
- HPK/2019/0417 Construction of new building comprising of B1 offices/Workshops on the ground floor and a flat above. Approved with Planning Conditions 14th April 2020. EXTANT.
- HPK/2019/0183 Application for variation of condition 2 in regards to HPK/2014/0582. Withdrawn.
- HPK/2018/0616 Detailed Planning Application For Revisions To Layout Approved Under Reserved Matters Approval HPK/2016/0313 (Phase 2) Comprising Alternative Road Layout And Revised Layout Of 13 no. Dwellings. Withdrawn.
- HPK/2018/0143 Residential development comprising 12 dwellings (open market and affordable), public open space and associated infrastructure together with a new car park for 1st Chinley Scout Group. Approved with conditions 25th March 2021.
- HPK/2017/0663 Variation of Section 106 agreement. Completed 20th November 2017.
- HPK/2016/0313 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). Approved November 2017.
- HPK/2014/0582 Erection of a building to accommodate a D1 day nursery with ancillary worker accommodation and construction of a bin store. Approved with conditions February 2015.
- 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 with conditions January 2014.
- 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.
- HPK/2011/0683 Outline application for the redevelopment of the site – Withdrawn February 2012.

6. PLANNING POLICIES RELEVANT TO THE DECISION

Adopted High Peak Adopted Local Plan 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S3 Strategic Housing Development
- S6 Central Sub-area Strategy
- EQ6 Design and Place Making
- H1 Location of Housing Development
- CF6 Accessibility and Transport

Chapel-en-le-Frith Neighbourhood 2013-2028 dated Augst 2015

Policy H1: Housing Allocations

Policy H3: Small Sites

The site is also identified as a mixed-use allocation under Policies EP4/HG1 and shown as identified by Figure 7.2 of the Plan.

Supplementary Planning Documents (SPDs)

- Residential Design Guide SPD (2005)
- High Peak Design Guide SPD (2018)

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

7. CONSULTATIONS

Site notice	TBC
Press notice	N/A
Neighbours	12 th March 2024 Expired

Public comments

Councillor Angela Benham

07.03.23:

“I am one of the Borough Councillors for Blackbrook Ward. The above Planning Application, for Permission in Principle to construct one dwelling on undeveloped land extending to circa 365 square metres on the corner of Blackbrook Drive and Forge Road leading to Forge Terrace, is for a site within my ward.

One of my constituents has contacted me and discussed her and neighbours considerable concerns regarding this request for permission in principle to build a dwelling on this land.

Due to the number and strength of objections to this PIP Planning Application I have been asked to call in HPK/2024/0055 for consideration by committee.

I will outline what I understand to be the main reasons why this site is NOT considered suitable-in-principle for the construction of one dwelling and why permission-in-principle should be refused.

Forge Terrace on Forge Road is a row of 6 dwellings whose residents will be seriously impacted by the construction of a house on this corner site.

The main issues are:

- the loss of parking spaces for Forge Terrace residents and their visitors

The sentence included in the Hourigan Planning Statement 4.4. 'The site is not subject to any public rights of way'. Is not accurate according to my information. The house deeds for Forge Terrace dwellings state that there is one parking space in front of each terrace and that there is a right of way for pedestrians and vehicles from the far end of the unadopted access road which fronts Forge Terrace to the Green Lane junction.

The objection is that the construction of a dwelling on this corner plot will encroach on Forge Terrace residents parking spaces and exacerbate an already difficult parking situation on this narrow cul-de-sac.

- the increased threat to pedestrian and road safety due to poor visibility at the junction of Forge Terrace access road and Blackbrook Drive

The main and only vehicular exit/entry road from the Forge Manor Estate is via a left/right hand turn out to Blackbrook Drive onto Forge Road or vice versa. Forge Terrace residents on the Forge Terrace access road have right of way at this junction but lack of signage, appropriate road markings and driver misunderstandings lead to frequent near collisions.

The construction of a dwelling on this corner plot would not only cause short-term traffic stress and road safety issues, the completed dwelling and any fencing would create long-term problems due to impaired visibility and increased peril at this busy junction.

- the fear of increased issues with poor drainage and flooding

Before the Forge Manor Housing Estate was built much of the land, I understand, was subject to waterlogging/flooding. Today I believe that a number of residents on the development experience problems with surface water draining sluggishly from the estate roads and elsewhere.

It is a very serious problem for the residents of Forge Terrace/Forge Road who find water drains down from the estate onto their land/gardens, causing water logging and flooding.

The objection is that the construction of another building on this corner of unsurfaced land will exacerbate the problem of poor drainage for the residents.

Although this site is currently located just within Flood Zone 1, an area with a low probability of flooding, it is extremely close to Flood Zone 3 and not far from Flood Zone 2.

Considering the current climate crisis with increased rainfall and flooding possibilities it does not seem advisable to concrete over a corner of green land which can drain surface water and has been used as a play area.

- the loss of mature trees and a green space

I realise that there may be particular planning regulations and considerations that appertain to the approval or refusal of a Permission in Principle Planning Application.

Nonetheless, due to the strong objections to this Planning Application HPK/2024/0055 that have been expressed to me I wish to call in the application to be considered fully at committee”.

Objections (6)

Summary as follows:

- Wainhomes are finding any bit of land to build on, but they should finish the surrounding estate (road surfaces, wall repairs etc.) before they are allowed any further development.
- There is no need to fill every spare gap with houses.
- The site is a beautiful green space with established trees and should not be built on.
- There are already enough houses crammed onto the development with minimal green space.
- There are three beautiful trees on this green space which have been there for 100 plus years and add to the beauty of our village and the development would be removed if another house is built there.
- Trees have environmental benefits and birds, squirrels, butterflies and frogs would all be homeless.
- I believe a TPO has been raised.
- Building a house at the entrance to Forge Manor would significantly reduce the visibility and make the road unsafe for pedestrians and cars.
- We observe many near misses when car and delivery vans exit the junction.
- There is a right of way to the main road Green Lane / Whitehough Head Lane contrary to the application form at part 4.4.
- The estate has provided public access for ‘walkers’ passing Forge Terrace, which in turn allowed motorbike access travelling at high speeds creating a dangerous situation for my small children, which cannot play out.
- New dwelling would utilise Forge Terrace parking spaces leaving us with two spaces for 6 houses and our bins, however, Wain Homes have repeatedly documented that Forge Terrace was to remain private.
- We have no street lights or pavement and access / parking can be a challenging experience.
- Lack of privacy for residents at Forge Terrace exacerbated by further residential development.
- Some residents on Forge Terrace have not been consulted.

Support

None.

CONSULTATIONS:

Consultee		Officer response
Chapel-en-le-Frith Parish Council	-	Refer to Officer Comments
<p>06.03.24:</p> <p>The Parish Council considered this application at its 5th March meeting, and objected to the application on the following grounds:</p> <ol style="list-style-type: none"> 1. Building on this piece of land would destroy what was originally deliberately intended as a green space within the wider development. 2. There may be (a) Flooding and (b) Habitat-preservation issues which this new dwelling would adversely affect. 		
Chinley Buxworth & Brownside Parish Council	Awaited	Refer to Update Report
-		
Derbyshire County Council (Highways)	No comments	Refer to Other Matters Section.
<p>20.02.24:</p> <p>Although various roads leading to the proposed site are to be adopted by the County Council under a Section 38 Agreement, the road abutting the proposed site access is private, so I can confirm there are no highway objections to the above mentioned planning application.</p>		
United Utilities	Technical Detail Consent	Refer to Other Matters Section
<p>28.02.24:</p> <p>Should the applicant receive Planning in Principle permission for this proposal, United Utilities will review the drainage element of any application for Technical Detail Consent in line with the surface water hierarchy. United Utilities will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable before a surface water connection to the public sewer is acceptable.</p>		

Refer to public file for full consultation response.

7. POLICY AND MATERIAL CONSIDERATIONS

Decision Making Framework

- 7.1 Section 38(6) requires the 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 for the Borough consists of the Adopted High Peak Local Plan dated April 2016 and the Chapel-en-le-Frith Neighbourhood Plan 2015.
- 7.2 Achieving sustainable development sits at the heart of the NPPF. Paragraph 8 of the NPPF outlines that achieving sustainable development requires the consideration of three overarching and mutually dependant objectives being: economic, social and environmental where they are to be applied to local circumstances of character, need and opportunity of each area. These objectives are interdependent and should be pursued in mutually supportive ways and comprise;
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of the present and future generations; and by fostering well designed, beautiful and and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well being; and,
 - c) an environmental objective – to protect and enhance our natural, built and historic environment; including making the effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 7.3 LP (Local Plan) Policy S1a establishes a presumption in favour of sustainable development as contained within NPPF paragraph 11. It requires decision makers to apply a 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 or where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless:-

- I. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.4 The Council can currently demonstrate 6.28 years supply of housing land (as at 1st April 2022). This represents a total annual housing requirement (April 2022 to March 2027) including a 5% buffer. Accordingly, for decision makers this means that when considering development proposals which accord with the development plan they should be approved without delay within the context of NPPF paragraph 11.

7.5 On 23rd June 2022, the Council Executive agreed High Peak Local Plan Policies S3 'Strategic Housing Development', S4 'Maintaining and enhancing an economic base' and Policy H4 'Affordable Housing' were deemed out of date for development management purposes, meaning less weight can be given to them when determining planning applications. For the avoidance of doubt, all other policies within the High Peak Local Plan should continue to be given full weight until further notice. New evidence informing the Local Plan review is also available.

Permission in Principle

7.6 In relation to the Permission in Principle sought for the scheme as outlined, the Government's Planning Practice Guidance sets out the following matters of relevance to scheme determination:

The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed.

The site must receive a grant of technical details consent before development can proceed. The granting of technical details consent has the effect of granting planning permission for the development. Other statutory requirements may apply at this stage such as those relating to protected species or listed buildings. Technical details consent can be obtained following submission of a valid application to the local planning authority. An application for technical details consent must be in accordance with the permission in principle that is specified by the applicant.

Site allocations in existing local or neighbourhood plans do not have a grant of permission in principle; however, planning applications should be decided in accordance with those site allocations unless material considerations indicate otherwise.

The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. In addition, local authorities cannot list the information they require for applications for permission in principle in the same way they can for applications for planning permission.

Where permission in principle is granted by application, the default duration of that permission is 3 years.

An application for technical details consent must be decided in accordance with the terms of the permission in principle granted for the site. The requirements that apply to decisions on other types of application for planning permission also apply, including that the decision must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise.

Local planning authorities must specify the location of the site, the type of development and provide an indication of the amount of development the site has permission in principle for. The amount of residential development must be expressed as a range, indicating the minimum and maximum net number of dwellings (ie taking in to account any existing dwellings on the site) which are, in principle, permitted.

It is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and amount of development. Local planning authorities can inform applicants about what they expect to see at the technical details consent stage.

It is possible for the local planning authority to attach planning conditions to a technical details consent providing they meet existing requirements around the use of conditions.

Local planning authorities may agree planning obligations at the technical details consent stage where the statutory tests have been met. Planning obligations cannot be secured at the permission in principle stage. Local planning authorities can inform applicants that planning obligations may be needed at the technical details consent stage.

Local planning authorities must also consult any body that they would have been required to consult in relation to an application for planning permission, for example under relevant consultation or safeguarding directions. Where consultation is required, the local planning authority should provide the statutory body with any relevant information it holds about the site.

7.7 Consequently, the scope of permission in principle (PIP) applications is limited to:

- Location
- Land use

- Amount of development

7.8 Only issues relevant to these 'in principle' matters should be considered at the PIP stage. Where PIP is granted by application, the default duration of the relevant permission would be 3 years. Local planning authorities must specify the location of the site, the type of development and provide an indication of the amount of development the site has permission in principle for. The amount of residential development must be expressed as a range, indicating the minimum and maximum net number of dwellings (i.e. taking into account any existing dwellings on the site) which are, in principle, permitted. It is not possible for planning conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and amount of development.

Principle of Residential Development

7.9 The scheme proposes a single dwelling only and therefore should be assessed regarding the provision of new housing development within the built up area boundary and any other material consideration.

7.10 Neighbourhood Plan Policy H1: Housing Allocations is herein relevant, which states: "This Plan allocates land for a minimum of 454 new homes, where, subject to meeting the requirements of the Plan, as well as other relevant national and local planning requirements, planning permission will be granted for the approximate number of homes shown. The allocations include HS2 Former Dorma site for 182 dwellings". The former dormer allocation has received planning consent for a total of 153 dwellings and is nearing completion / occupation.

7.11 In addition, Neighbourhood Plan Policy H1: Smaller Sites states: "Permission will be granted for small residential developments of fewer than 6 units on infill and redevelopment sites within the Parish that lie outside the Peak District National Park. Proposals should be within the built-up area, be of a high quality and should not reduce garden space to an extent where 'it adversely impacts on the character of the area, or the amenity of neighbours'".

7.12 LP Plan H1 'Location of New Housing Development states that: "*The Council will ensure provision is made for housing taking into account all other policies in this Local Plan by:*

- *Supporting the development of specific sites through new site allocations in the Local Plan or a Neighbourhood Plan*
- *Promoting the effective reuse of land by encouraging housing development including redevelopment, infill, conversion of existing dwellings and the change of use of existing buildings to housing, on all sites suitable for that purpose*
- *Supporting housing development on unallocated sites within defined built up area boundaries of the towns and larger villages*
- *Encouraging the inclusion of housing in mixed use schemes where housing can be accommodated in an acceptable manner without compromising other planning objectives Supporting development identified through a Community Right to Build Order*
- *Supporting self build housing schemes"*

7.13 The application site, however, does not constitute either an infill site or previously developed land and instead is considered to form a valued pocket of landscaped amenity space integral to the residential estate as secured by reserved matters consent ref. HPK/2013/0577 for 91 dwellings etc. and herein the following policies are relevant.

7.14 In particular, LP Policy EQ6 'Design and Place Making' states: "All development should be well designed and of a high quality that responds positively to both its environment and the challenge of climate change, whilst also contributing to local distinctiveness and sense of place.

This will be achieved by:

- ... Requiring that development contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, and the relationship to adjacent buildings and landscape features ...
- Requiring that public and private spaces are well-designed, safe, attractive, complement the built form and provide for the retention of significant landscape features such as mature trees ...
- Ensuring that development takes account of national design guidance and Supplementary Planning Documents".

7.15 In addition, the High Peak Design Guide SPD states: "Good landscaping greatly enhances the setting and appearance of buildings and should not be regarded as an afterthought (4.14)".

7.16 Paragraph 130 of the NPPF highlights: "Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping ...".

7.17 The applicant's submission states that the "application site comprises an unremarkable piece of land adjacent to existing residential properties".

7.18 The development proposal, however, for a single dwelling would result in the loss of a valued pocket of amenity land with mature tree cover, which plays a key role in securing a sense of place and well-being integral to securing high quality design as part of the wider residential estate and therefore positively contributes to the area's character and appearance. In particular, the application site is considered to enhance the setting and appearance of this aspect of the residential estate as well as neighbouring Forge Terrace to form a visually attractive development and therefore functions as effective landscaping.

7.19 In addition, by increasing the number of units on the wider application site, which is subject to a s106 agreement (as varied), concessions have already been made in planning terms including the reduction of affordable housing provision on site based

on viability grounds. Accordingly, the Council's Regeneration Officer has been consulted and Members are directed to the Updates Report to be brought up to date about these matters.

7.20 Accordingly, the scheme conflicts with LP Policies SS1 and EQ6, in particular, relevant SPDs, as well as the NPPF and a reason for refusal is recommended in these regards.

Other Matters

7.21 Subject to detailed scheme design, residential amenity would be considered at the technical details stage as would matters pertaining to highway safety, flood risk and ecology.

8. PLANNING BALANCE AND CONCLUSION

8.1 Despite the scheme's sustainable, larger village location, it would result in the loss of a valued pocket of amenity land integral to the wider residential estate and setting of Forge Terrace.

8.2 Accordingly, the development is contrary to the provisions of the development plan as a whole as well as the NPPF and should be refused.

9. RECOMMENDATION

A. REFUSE for the following reasons:

1. The development proposal for a single dwelling would result in the loss of a valued pocket of amenity land with mature tree cover, which plays a key role in securing a sense of place and well-being integral to securing high quality design as part of the wider residential estate / Forge Terrace and therefore positively contributes to the area's character and appearance. Accordingly, the proposal would be contrary to Policies SS1 and EQ6 of the Adopted High Peak Local Plan 2016, Residential Design Guide SPD 2005, High Peak Design Guide SPD 2018 and the National Planning Policy Framework.

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 Head of 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.

Location Plan

