

Local Plan Representations

For The Shuker Partnership | 23-311

Regulation 16 consultation - Whaley Bridge Neighbourhood Plan



Project: 23-311
Site Address: Whaley Bridge Neighbourhood Plan
Client: The Shuker Partnership
Date: 22 June 2023
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1. Introduction

- 1.1 Emery Planning is instructed by The Shuker Partnership to submit representations to the Regulation 16 consultation on the Whaley Bridge Neighbourhood Plan.
- 1.2 Section 4 of this report sets out details of our client's site, land at Wheel Farm and Shallcross Farm, Whaley Bridge, which is also being promoted through the emerging High Peak Local Plan. The Shuker Partnership would welcome engagement with Whaley Bridge Town Council and the local community on the delivery of the land.



2. Planning policy context

The legislative framework

2.1 The basic conditions are set out in [paragraph 8\(2\) of Schedule 4B to the Town and Country Planning Act 1990](#) as applied to neighbourhood plans by Section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:

- a) having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
- b) having special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest that it possesses, it is appropriate to make the order. This applies only to Orders.
- c) having special regard to the desirability of preserving or enhancing the character or appearance of any conservation area, it is appropriate to make the order. This applies only to Orders.
- d) the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development.
- e) the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- f) the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
- g) prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

National Planning Policy and Guidance

National Planning Policy Framework

2.2 The revised National Planning Policy Framework (the Framework) was published in July 2021. It sets out the Government's planning policies for England and how these are expected to be applied. The purpose of the planning system is to contribute to the achievement of sustainable development. The Framework, taken as a whole, constitutes the Government's view of what sustainable development in England means in practice for the planning system.

2.3 Paragraph 13 sets out that the application of the presumption in favour of sustainable development has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should



support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.

- 2.4 Paragraph 29 states that neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.

National Planning Practice Guidance

- 2.5 The National Planning Practice Guidance (PPG), launched in 2014, replaced several practice guidance documents that were deleted when the PPG was published. Neighbourhood planning is addressed in chapter 41 of the PPG.

The development plan

- 2.6 Neighbourhood Plans must be in general conformity with the strategic policies of the wider local area, which in this instance are set out within the High Peak Local Plan (adopted April 2016). The council's website states that it has conducted a review of the adopted Local Plan and concluded that three policies are out of date when considered against the latest national policy and evidence, these are Policy S3 (Strategic Housing Development), Policy S4 (Maintaining and Enhancing an Economic Base) and Policy H4 (Affordable Housing).
- 2.7 Early engagement consultation concluded in March 2023 on the strategy for the new High Peak Local Plan. The consultation document set out a number of questions regarding how the strategy for High Peak should be planned over the period to 2041.

High Peak Local Plan

- 2.8 The following policies are relevant to our representations.

Policy S 3: Strategic Housing Development

- 2.9 Although it is noted that the council considered limited weight should be attached to Policy S 3, the policy sets the context for housing land supply and distribution across the borough. It requires "at least" 7,000 dwellings to be delivered in the High Peak over the plan period 2011 to 2031, at an average of 350 homes per annum. The plan identifies a need to accommodate up to 3,549 additional dwellings on new sites.



2.10 Table 2 of the Local Plan explains how the 3,549 dwelling figure has been calculated. It is essentially the 7,000 figure plus 80 dwellings as a shortfall in housing provision since 2006 minus:

- 445 dwellings which were completed between 2011 and 2014;
- 2,976 dwellings which were commitments at December 2014; and
- 110 dwellings which are expected to be delivered within the Peak District National Park over the period 2011 to 2031.

2.11 Table 2 of the Local Plan refers to appendix 4 of the Local Plan which lists the “current commitments”. This lists 47 dwellings which had planning permission in Whaley Bridge and 6 dwellings which had planning permission in Furness Vale.

2.12 Policy S 3 requires that of the 3,549 dwellings on new sites 1,065-1,171 (i.e. 30-33%) are distributed to the Central Area, which includes Whaley Bridge. The policy explains that this will be met by:

- 100 dwellings on small sites within Chapel Neighbourhood Plan;
- 100 dwellings on small sites within New Mills;
- 100 dwellings on small sites within Whaley Bridge;
- 100 dwellings on small sites in other villages in the Central Area; and
- 623-729 dwellings on allocations (excluding Chapel Parish).

2.13 The relevance of this is that the 100 dwellings on small sites within Whaley Bridge and 100 dwellings on small sites in other villages in the Central Area (i.e. including Furness Vale) is in addition to any completions that had taken place between 2011 and 2014 and in addition to those commitments that are included within appendix 4 of the Local Plan.

2.14 Policy S 3 then states:

“The release of land/sites for new housing will be managed so that it delivers the broad amount and distribution of housing as set out above. The adequacy of housing delivery (in terms of a five year supply of housing and in meeting planned housing delivery targets over the full plan period) will be assessed regularly in accordance with a Housing Implementation Strategy and through annual reviews of the Strategic Housing Land Availability Assessment. Progress will be reported through the council’s Authority Monitoring Report.”

2.15 As the housing requirement is now more than 5 years old, the council is applying the Local Housing Need (LHN) annual requirement of 260 dwellings per annum, rather than the Local Plan requirement of 350 dwellings per annum. We understand that it is on this basis only that the local authority has determined that Policy S3 is out of date.



- 2.16 The latest Five Year Housing Land Supply Statement confirms that the Council can demonstrate a deliverable five year housing land supply (6.28 years at 1st April 2022) calculated on the basis of LHN (if the local plan requirement was applied the supply would be 4.67 years).
- 2.17 The latest Annual Monitoring Report (AMR) (April 2022) confirms that 2,754 net dwellings had been completed in High Peak between 2011 and 2022 which falls well below the 3,850 dwellings that the Local Plan envisaged would be delivered at this stage.
- 2.18 Part of the reason for this is because the allocated sites in the High Peak Local Plan have not delivered as anticipated. For example, out of the 10 allocations in the Central Area, only 4 have planning permission. Planning applications have not even been made on 5 of the allocations and there is only 8 years left of the High Peak Local Plan period. Dwellings have been delivered on only one of the three allocated sites within the Whaley Bridge NP area in the first 10 years of the plan period (see table 1 below).
- 2.19 Finally, within the section “Neighbourhood Plans”, policy S 3 states:

“In order to assist in meeting the full objectively assessed housing need of the plan area Neighbourhood Plans should maximise opportunities for housing growth in sustainable locations and, where appropriate, make allocations in their plan to provide at least the same amount of housing land identified in the Local Plan for the relevant parish or Neighbourhood Area.” (emphasis added)

- 2.20 Table 12 of the Local Plan sets out the “Implementation of Local Plan policies”. In terms of policy S 3, it states that the principal outcomes are:

“To meet housing requirements across the plan areas as far as possible within the limits of local landscape, infrastructure and environmental constraints

To provide a range of market and affordable housing”

- 2.21 The implementation mechanism for these outcomes are:

“Allocation of sites in Local Plan – HPBC

Allocation of sites in Neighbourhood Plans

Determination of planning applications” (emphasis added)

- 2.22 Within this context, the Whaley Bridge NP should make residential allocations.

Policy S6: Central Sub-area Strategy

- 2.23 Policy S 6 provides the strategy for the Central Sub-Area. It states that the housing needs of the community will be provided for by (amongst other things):



- Allocating a range of suitable, deliverable housing sites sufficient to meet the requirements of the Central sub-area, including the delivery of appropriate levels of affordable housing;
- Supporting the development of new housing on sustainable sites within the built up area boundary primarily in Chapel-en-le-Frith, New Mills and Whaley Bridge; and
- Ensuring that residential development avoids adverse impact on the integrity of the Peak District Moors (South Pennine Moors Phase 1) Special Protection Area, the South Pennine Moors Special Area of Conservation (SAC) and the Dark Peak Site of Special Scientific Interest (SSSI) - a component part of this European site.

2.24 As above, table 12 of the Local Plan sets out the “Implementation of Local Plan policies”. In terms of policy S 6, it states that the principal outcomes are:

“Enable the sustainable development of the Central Area

Support the delivery of complementary regeneration projects and infrastructure investment

Preserve key sites of environmental, heritage or recreational value”

2.25 The implementation mechanism for these outcomes are:

“Allocation of sites in Local Plan – HPBC

Allocation of sites in Neighbourhood Plans

Determination of planning applications

Working with partners to deliver regeneration and infrastructure projects”(emphasis added)”

2.26 Again, within this context, the Whaley Bridge NP should make residential allocations.

Policy H 1 – Location of Housing Development

2.27 Policy H 1: “*Location of Housing Development*” explains that the Council will ensure provision is made for housing through several measures, including:

“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”

2.28 Policy H 1 states that the Council will give consideration to approving sustainable sites outside the defined built-up area boundaries, provided that:

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

2.29 This is important because the Whaley Bridge NP should not restrict development that would be in accordance with the High Peak Local Plan, including policy H1.

Policy H 2: Housing Allocations

2.30 Policy H2 of the High Peak Local Plan identifies housing allocations to meet the housing target outlined in Policy S3. As above, Policy S3 states that 623-729 dwellings will be met on allocations in the Central Area (excluding Chapel Parish). The table in policy H2 of the Local Plan identifies the following allocations in the Central Area and we have added the latest position on these sites as set out in the latest AMR:

Table 1: Delivery of housing allocations in the Central Area

Location	No. of dwellings	Phase	Position in the AMR (at 2022)
Derby Road, New Mills (C3)	107	2021-26	Full planning permission for 96 dwellings – Wainhomes. Construction on the site has now started.
Ollersett Lane/Pingot Road/Laneside Road New Mills (C5, C6 ,C17,C18)	239	2021-26 / 2026-31	No planning application submitted
Woodside Street New Mills (C7)	25	2016-21	No planning application submitted



South of Macclesfield Road (C9)	0 (83)	2016-21	107 dwellings under construction by Barratt Homes – already included in commitments, which is why 0 contribute to the 614 total.
Buxton Road, Chinley (C13)	13	2016-21	Full planning permission for 25 affordable homes – Johnnie Johnson
Britannia Mill (C15)	50	2016-21	Outline planning application for 110 dwellings pending determination
Furness Vale A6 (C16)	39	2016-21	Full planning permission granted – Guinness Partnership
Furness Vale Business Park (C19)	26	2026-31	No planning application submitted
New Mills (C20)	15	2021-26	No planning application submitted
Birch Vale Industrial Estate (C21)	100	2021-26	No planning application submitted
Total provision on allocated sites	614		

2.31 This shows that whilst Policy S3 stated that 623-729 dwellings are to be allocated in the Central Area, it is of note that the High Peak Local Plan only allocates 614 dwellings in the Central Area. The 614 figure will not be met in the High Peak plan period. Only 4 of the 10 allocations have planning permission and an application has not even been made on 5 of the allocations. Therefore, the Whaley Bridge NP should make residential allocations to assist meeting the housing requirement for the Central Area.

Policy H 4: Affordable Housing

2.32 Policy H4 of the High Peak Local Plan states that the Council will seek to maximise the delivery of affordable housing across the plan area by working in partnership with the Homes and Community Agency, Registered Providers, Developers and Local Communities. Although the council has stated that Policy H4 is out of date, we assume that this relates to affordable housing thresholds rather than the overall need to provide affordable housing.



2.33 Paragraph 5.149 of the Local Plan states:

“Affordable Housing is a key issue in the Local Plan area due in part to the high cost of houses, and the relative low incomes of resident based employment. Both the Housing Needs Survey and the Housing Market Assessment suggest that there is a significant need to increase the overall level of affordable housing provision. The Housing Needs Survey indicated a need of between 443 and 591 per annum for new affordable dwellings to meet backlog and emerging needs. The 2014 SHMA indicates that there is a net need of 526 per annum for affordable housing across the Borough.”

2.34 Despite this, the latest AMR states that there have been only 432 affordable homes completed in High Peak over the last 6 years (2016-22).

2.35 The council’s housing officer confirmed in July 2022 that:

- There are 1,240 households on the Council’s Housing Register (an increase from 1,158 in February 2022).
- 219 applicants expressed Whaley Bridge as their first second or third choice (an increase from 187 in February 2022).
- 64 applicants expressed Whaley Bridge as their first choice (an increase from 55 in February 2022).
- 57 applicants resided in Whaley Bridge (an increase from 51 in February 2022).

2.36 While we are not in receipt of a full recent update of these figures, the housing officer’s comments on a recent planning application (reference HPK/2023/0061) indicate that since July 2022 and in spite of the recent delivery of 13 affordable homes in Bridgemont and 10 at Linglongs, the affordable housing need (based on Homes Options applicants) in the Parish of Whaley Bridge has increased to 66.

2.37 There is therefore a clear and growing need for additional affordable housing in High Peak and specifically in Whaley Bridge.

Neighbourhood Planning

2.38 Paragraphs 1.20 to 1.22 of the Local Plan are relevant. They state:

“1.20 Neighbourhood planning enables members of a local community to take forward planning proposals for the area in which they live. Neighbourhood Plans are voluntary local planning policy documents that are written and developed by a community, usually led by a town or parish council. In areas without a town or parish council, a Neighbourhood Forum can be established to prepare a plan.



1.21 Once a neighbourhood plan is adopted, it will form part of the Development Plan for High Peak. This means that it will become a major consideration during the determination of planning applications.

1.22 Neighbourhood plans prepared in High Peak should be compliant with the strategic policies of the Local Plan and the National Planning Policy Framework. Strategic policies are those which are essential to delivering the overall planning and development strategy for the High Peak, such as those that set out the number of homes that should be built. Neighbourhood Plans cannot therefore plan for less development than is required by the Local Plan. However, they may be used to identify sites for development or protection, or provide guidance on matters such as design”



3. Response to Policies

Plan period

3.1 The Submission Version of the Neighbourhood Plan covers the period 2022 – 2032. However, the High Peak Local Plan only covers the period up to 2031. The Neighbourhood Plan should either align with the Local Plan by setting out its strategy to 2031 or assess and factor in Whaley Bridge’s development needs beyond those set by the current Local Plan (i.e., post-2031).

2.1 Strategy for Sustainable Growth

3.2 Section 2.1 of the Draft Neighbourhood Plan ‘*Strategy for Sustainable Growth*’ states that the Plan does not undertake housing site allocations, instead leaving this to the Local Plan. We object to this approach. We consider that the Neighbourhood Plan should make housing allocations for the following reasons:

- As set out in Table 1 above, the allocations in the Local Plan are failing to deliver and therefore the Neighbourhood Plan should allocate sites to ensure housing delivery in the central area.
- To ensure that affordable housing needs are met. There is a significant affordable housing need in High Peak and in Whaley Bridge specifically. In the absence of the delivery of housing allocations, this need will continue to grow.
- Fourthly, Policy S6 clearly expects residential allocations to be made in Neighbourhood Plans to assist in meeting the overall housing requirement.

3.3 Whilst the local planning authority currently relies on the LHN figure of 260dpa, the High Peak Local Plan is in the early stages of review. The High Peak Housing and Economic Land Needs Assessment (September 2022) (HEHLNA) which forms part of the evidence base for the Local Plan review, considers the overall housing need and the need for different types of housing and employment land requirements up to 2041. It acknowledges that the LNA figure of 260 dpa is only the starting point in this assessment. Paragraph 9.14 of the HELNA reflects the guidance provided within the PPG and states it is the intention of the government that the local housing need figure is minimum figure which does not attempt to predict future growth, the impact of changing Government policies, changing economic circumstances or other demographic behaviours.

3.4 The HELNA states the LHN figure of 260dpa is an appropriate figure moving forward if considering the baseline economic growth forecasts. However, if the level of housing growth is to align with the planned level of economic growth then a higher housing requirement will be needed. Paragraph 14.18 of the HELNA states:



“If, however, HPBC decides to pursue a higher level of economic growth and allocates sufficient employment land to support this, in line with the Policy On Scenario for example, then it should also consider increasing the housing target accordingly. The standard methodology is appropriate for PDNPA in so far as it can be used, with other methodologies, to determine need arising within the National Park.”

- 3.5 The HELNA also confirms that the affordable housing need for the borough cannot be met by the standard method. It is therefore possibly and likely that the Borough Council will adopt a housing requirement higher than LHN in order to assist the delivery of much needed affordable housing and in the interests of economic growth.
- 3.6 Therefore, the Neighbourhood Plan should seek to identify sites for development in order to maximise growth, and contribute towards meeting the housing needs of High Peak.

2.4 Aims

- 3.7 Section 2.4 of the Draft Neighbourhood Plan sets out the aims of the Neighbourhood Plan. Namely, it states that the aims are to:
- Meet the diverse needs and aspirations of all of the community in terms of housing, local facilities and economic opportunity; and
 - To attract investment, visitors, employment and sustainable development, to meet the needs of local residents and businesses.
- 3.8 We support these aspirations and wish to emphasise that in order to meet these aims a positive approach to development proposals is required. This is particularly the case given as we have explained above that the general and affordable housing needs of the Central Area, including Whaley Bridge are not being met by the allocations set out in the Local Plan.

WB-G1 Town Centre and Economy

- 3.9 Policy WB-G1 (part 1) of the Submission Version of the Neighbourhood Plan states that retail, restaurants, cafes, cultural uses, visitor facilities or recreational uses and other uses open to the public will be supported within the defined town centre, including the change of use from residential.
- 3.10 As drafted, we have concerns that this policy will detract from the aim of meeting the housing needs of the area, particularly given that it encourages the change of use from residential in the town centre. In order to proactively meet housing needs, the Local Plan also needs to support the provision of residential use where appropriate.



3.11 Policy WB-G1 (part 2) of the Submission Version of the Neighbourhood Plan states that cultural uses, visitor facilities or recreational uses will be supported in locations outside of the town centre only where it can be demonstrated that they cannot be accommodated within the town centre.

3.12 We object to this policy. The need for a sequential test for visitor and recreational facilities is overly restrictive and does not conform with the Framework, which states at paragraph 84 that planning policies should *enable*:

- h) The sustainable growth and expansion of all types of businesses in rural areas, both through conversion of existing buildings and well-designed new buildings;
- i) The development and diversification of agricultural and other land-based rural businesses; and
- j) Sustainable tourism and leisure development which respect the character of the countryside.

3.13 The development of visitor and recreational facilities in rural areas is not restricted by the Framework and therefore the requirement for a sequential test should be removed from the Neighbourhood Plan.

WB-G2 Community Facilities

3.14 Policy WB-G2 (part 2) of the Submission Version Neighbourhood Plan states that community facilities will be supported in locations outside of the town centre only where it can be demonstrated that they cannot be accommodated within the town centre.

3.15 As set out above in relation to Policy WB-G1, we consider that this requirement is overly restrictive and should be removed from the Plan. It does not accord with the Framework for the reasons set out above.

WB-G3 Residential Development

3.16 Policy WB-G3 (part 1) states that:

“Residential development outside of the Peak District National Park will be supported for the following locations, subject to meeting the requirements of other policies in this Neighbourhood Plan:

- k) Within the defined Whaley Bridge settlement boundary;
- l) Within the defined town centre, providing street-frontage ground floor units are in uses open to the public;
- m) Brownfield sites;
- n) Infill sites in the form of gaps in existing substantially built-up frontages.”



- 3.17 We object to this policy as it is more restrictive than Policy H1 of the Local Plan, which allows for residential development on the edge of settlements if the criteria within the policy are met – please see the planning policy section above. Policy WB-G3 should be amended to state that residential development outside of settlement boundaries will be supported in line with Policy H1 of the Local Plan.
- 3.18 Policy WB-G3 (part 3) states that self-build housing and community-led housing are encouraged. We support the initiative of community-led housing however we note that this needs to actively encourage meeting local housing needs.

WB-H1 Heritage

3.19 Draft Policy WB-H1 states:

1. Extensions to historic buildings will be supported where they are of high quality and complement the character of the original building. This includes support for creative or green interventions that complement the character of the original building.
2. The reinstatement of shop fronts or original features that have previously been lost will be supported.
3. New or replacement shopfronts must be designed to complement the character of the building in question, including retention of historic features.
4. Development should preserve or enhance the Shallcross Incline, including its immediate landscape setting.

3.20 We object to this policy for the following reasons:

- The policy is not consistent with paragraphs 201, 202 and 203 of the Framework which sets out the circumstances in which there can be harm to a heritage asset if this harm is outweighed by public benefits and in the case of non-designated heritage assets, where a balanced judgement is made having regard to the scale of any harm or loss and the significance of the heritage asset.
- Shallcross Incline is the only feature within the Neighbourhood Plan area that is referenced in the policy. There is no justification for this. Shallcross Incline is not a designated heritage asset. The requirement that development should preserve or enhance the Shallcross Incline is not consistent with national policy as set out above.

WB-E1 Sustainable Design

3.21 Policy WB-E1 (part 3) states that development should enhance the architectural diversity of the area. We object to the wording of this policy and consider that it should be amended to state:

“Development should seek to enhance architectural diversity” [our addition]



3.22 The requirement to enhance in every case is excessive and does not allow for consideration of site-specific circumstances.

3.23 Policy WB-E1 (part 4) states that schemes should incorporate high quality and well-functioning green infrastructure and public realm as an integral part of the design and layout. We object to the wording of this policy and consider that it should be amended to state:

“Schemes should incorporate high quality and well-functioning green infrastructure and public realm as an integral part of the design and layout where appropriate and necessary” [our addition]

3.24 The requirement to incorporate green infrastructure may not be appropriate for smaller scale schemes and therefore the policy should allow for some flexibility.

3.25 Policy WB-E1 (part 9) states that development must include positive design features to reduce carbon impact. We consider that this policy is overly vague as it is unclear how this would be quantified. Further clarification is required.

WB-E2 Minor Villages and Settlements

3.26 Policy WB-E2 sets out the requirements for development within Taxal, Fernilee, Horwich End and Bridgmont. We seek clarification as to whether these policies are limited to development only within the settlement boundaries as shown on pages 45 and 46 of the Plan. It is unclear whether these policies would apply to, for instance, a rural exception site outside of the defined boundary.

WB-E3 Natural Environment

Policy WB-E3 part 1, states that development must preserve or enhance and not harm the rural and open landscape character of the area, including the Peak District National Park and its setting. The terminology here is not clear. ‘Preserve’ and ‘not harm’ have the same meaning in planning terms. Furthermore, ‘preserve or enhance’ are terms that are associated with an assessment of heritage assets in planning terms. The Framework and Policy EQ2 of the Local Plan use the words ‘protect and enhance’ in respect of the National Park and recognised landscape character areas. The Framework is clear at paragraph 175 that plans should distinguish between the hierarchy of international, national and locally designated sites and there should be a distinction between land in the National Park (which is a valued landscape) and other areas of the open countryside. The policy needs additional clarification to distinguish between the landscape hierarchy.



WB-T2 Active Travel

3.27 Policy WB-T2 1 states that that development must not encroach onto the area’s footpaths, cycleways or green and blue routes. We object to the wording of this policy and consider that it should be amended to state:

“Development ~~must not~~ **should seek to avoid** encroaching onto the area’s footpaths, cycleways or green and blue routes, including the Shallcross Incline, The Linear Park and Whaley Bridge incline, unless adequate mitigation or alternate routes are provided” [our addition]

3.28 Policy WB-T2 2 states that development adjacent to cycle routes or footpaths, must have no adverse impact on their safety, amenity or accessibility. We object to the wording of this policy and consider that it should be amended to state:

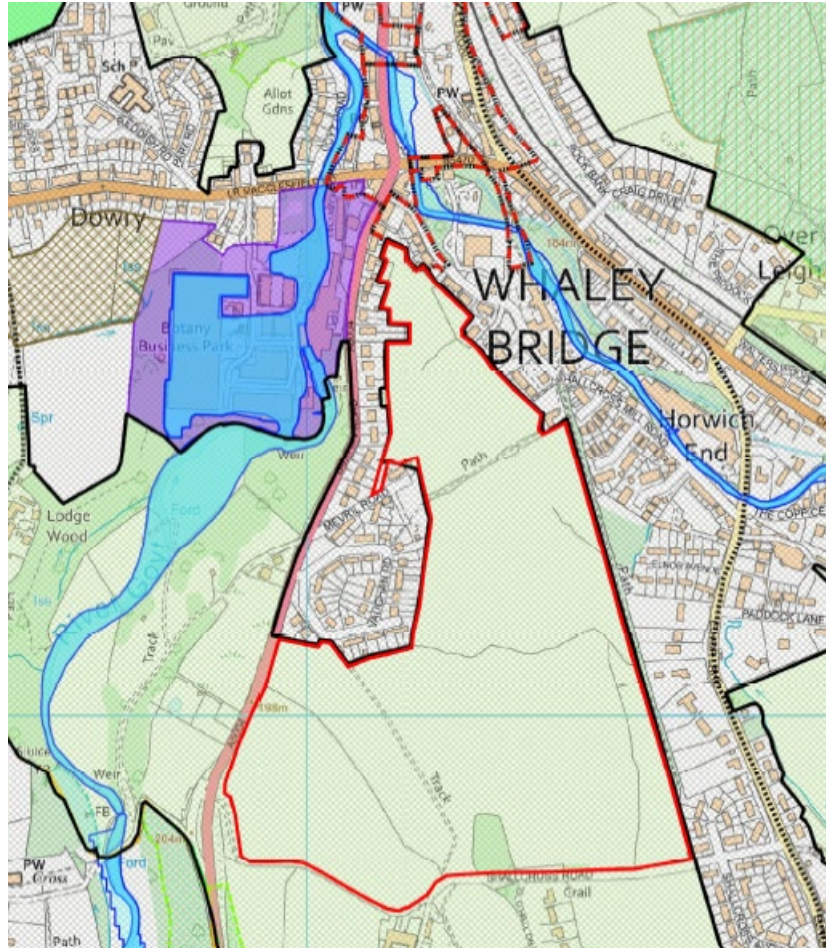
“Development adjacent to footpaths, cycleways or green routes must have no adverse impact on their safety, amenity or accessibility **unless adequate alternative routes or mitigation is provided.**” [our addition]

3.29 The policy as drafted is overly restrictive and does not allow for the flexibility required on a case-by-case basis.



4. Land at Wheel Farm and Shallcross Farm

- 4.1 The land within the control of our client extends to around 21 hectares in size. The image below shows the extent of the land within the control of The Shuker Partnership. It is acknowledged that the entirety of the site would not be suitable for the delivery of housing.

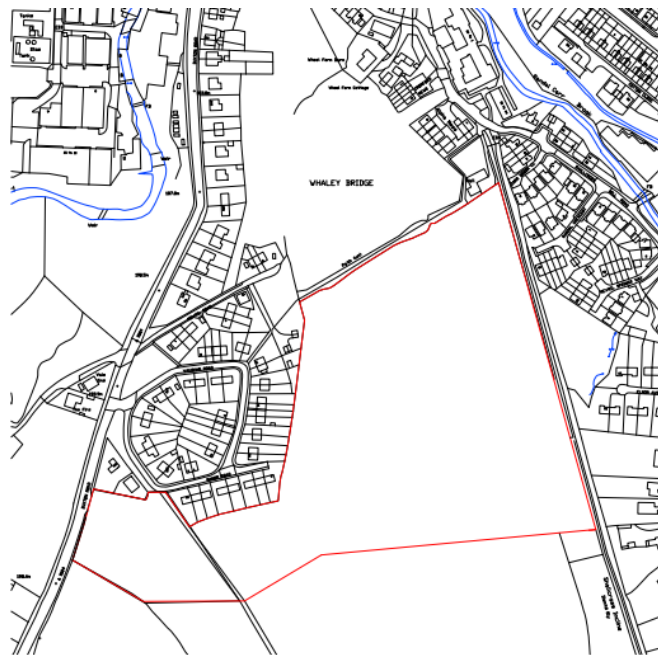


- 4.2 The site comprises two parcels of land at Wheel Farm and Shallcross Farm, Whaley Bridge both of which are in the control of Tatton Family Holdings. The site is located within the open countryside, adjoining the existing settlement boundary of the market town of Whaley Bridge to the north, east and west. To the south, the site is bound by Shallcross Road. Whaley Bridge is identified as one of the boroughs Market Towns, which Local Plan Policy S2 identifies as being the main focus for housing, employment and service growth.
- 4.3 The site is well related to the settlement of Whaley Bridge, with local services and facilities being readily accessible on foot and by means of public transport. Bus stops are located on Buxton Road to the west of



the site and Macclesfield Road to the north and east. Regular bus services are available to Buxton, Glossop, New Mills and Macclesfield. The site is intersected by a public right of way (Whaley Bridge footpath no.60.) with the Shallcross Incline running along the site's eastern boundary.

- 4.4 Being bound by existing development to the north, east and west, and physically adjoining the settlement of Whaley Bridge, the development of the site would represent a logical 'rounding-off' of the built-up area of Whaley Bridge and the existing pattern of development.
- 4.5 The topography of the site slopes from east to west with existing mature tree planting present on the site's eastern and southern boundary, with additional tree planting interspersed through the site.
- 4.6 The site has been subject, in part to a previous application for residential development and dismissed appeal, the details of which are provided below:
 - Application reference HPK/2016/0516 - Outline planning permission with all matters reserved (except access) for proposed residential dwellings and associated works – refused 24 April 2018
 - Planning Appeal reference APP/H1033/W/18/3214312 – Appeal against refusal of application HPK/2016/0516 – Appeal dismissed 8 July 2019
- 4.7 Application reference HPK/2016/0516 and appeal reference APP/H1033/W/18/3214312 did not relate to the full extent of the proposed allocation. The image below illustrates the extent of the site to which the application related:



Site specific considerations

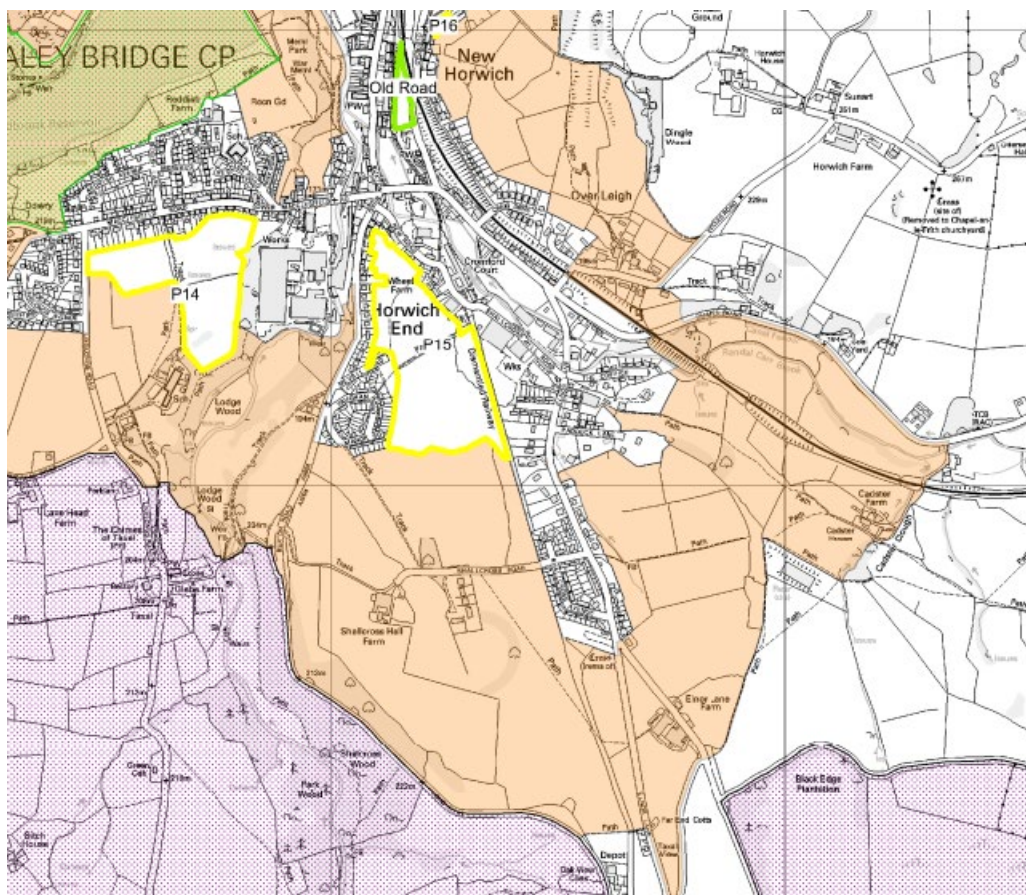
Landscape

- 4.8 As part of the evidence base for the 2016 Local Plan, Wardell Armstrong prepared a Landscape Impact Assessment (2014). This assessment identified the site as being land with the potential for development. The assessment identifies the site as falling within land parcel P15 and describes the site as follows:

Flat, semi-improved grassland enclosed by existing residential properties on the settlement edge. Low visual impact and effect on the setting of the National Park due to screening by vegetation particularly on southern boundary and topography to the south and east. Existing vegetation within the land and on the periphery, particularly the southern boundary, should be retained in order to maintain low visual prominence.

- 4.9 In respect of land parcel P15 the Landscape Visual Assessment states development should be initially constrained to the lower lying land, given the low visual prominence.

- 4.10 An extract from Appendix F of the Landscape Impact Assessment showing the land included within parcel P15 is below:



4.11 Application HPK/2016/0516 was refused for a single reason principally relating to impact on landscape character:

The proposed development would be a prominent, visual intrusion into the landscape which fails to respect local landscape character and would fail to protect and enhance the setting of the valued and designated landscape of the Peak District National Park. The development would result in an undesirable encroachment into the open countryside, outside of the built up area boundary for Whaley Bridge. As such the development would erode the visual appearance and character of the open countryside contrary to Local Plan Policies H1, S6, EQ2, EQ3 and EQ6 and advice contained within the adopted Landscape Character Assessment Supplementary Planning Guidance March 2006. The identified environmental harm outweighs the social and economic benefits of the scheme; consequently the proposal does not represent sustainable development and therefore does not accord with Local Plan Policies S1 and S1a or the sustainability thread running through the NPPF. The proposal is also contrary to policies in the NPPF (especially paras 17, 109 and 58), which is a significant material consideration and consequently, development should be restricted.

4.12 In the consideration of appeal reference APP/H1033/W/18/3214312 the Inspector notes that it was agreed between parties that the site is accessible to a range of services and facilities and is sustainably located and would adjoin the settlement boundary and relate well to the existing pattern of development and surrounding land uses, with the proposals being of a scale appropriate for the settlement and in this regard the proposals were in accordance with Local Plan Policy H1.

4.13 Whilst the reason for refusal states that the proposals would “*fail to protect and enhance the setting of the valued and designated landscape of the Peak District National Park*” in consideration of appeal reference APP/H1033/W/18/3214312 the Inspector finds despite the physical proximity of the site to the Peak District National Park (PDNP) (which was 350m from the nearest proposed dwelling and 200m from the proposed access) the impact of the development of the proposed access and dwellings would be negligible in terms of the setting of the PDNP. The Inspector notes views into the site are limited, and where the site would be visible, it would be viewed in the context of the settlement of Whaley Bridge.

4.14 In response to the previous reasons for refusal in respect of application HPK/2016/0516 and the dismissed appeal reference APP/H1033/W/18/3214312, any scheme for the development of the site would be landscape led in approach acknowledging that the site in its entirety would not be suitable for the delivery of housing. Any potential future development of the site would require extensive areas of landscaping and open space to mitigate any potential visual impacts and ensure an appropriate transition between the existing urban edge and the adjacent countryside.



- 4.15 A key concern with the appeal Inspector was that the access would form an incongruous protrusion into the landscape being readily visible and incongruent with its surroundings. The site proposed for allocation includes a wider land holding presenting an opportunity for an alternative access to the site which would address the Inspector's concerns.
- 4.16 The incorporation of the land at Wheel Farm ensures that the proposal is better located to the built-up area of Whaley Bridge and that the proposal would represent a logical urban extension with the ability to provide a strong and defensible boundary to the wider countryside area. The two parcels of land together provide an additional opportunity for the creation of open space and new and improved footpath connections with Whaley Bridge and the wider countryside.

Other matters

- 4.17 A gas pipeline runs along the eastern boundary of the site and any easements would need to be accommodated as part of any potential future development.
- 4.18 It is noted that the boundaries of the Whaley Bridge Conservation Area immediately adjoin the northern boundaries of the site and incorporate the properties along New Road and Buxton Road. It is not considered that the setting of the conservation area represents a constraint to residential development that cannot be addressed through a high quality design.
- 4.19 As outlined above, it is considered appropriate that any future scheme be landscape led any easements required could be accommodated within proposed areas of open space as part of the layout.

Conclusion

- 4.20 The site is sustainably located, being well related to the Market Town of Whaley Bridge, which is identified through the adopted Local Plan as a focus for future growth. The site has the potential to assist in the delivery of a mix of housing as part of the Local Plan review through the delivery of a landscape led residential development.



5. Summary and conclusions

5.1 In summary, the Submission Version of the Neighbourhood Plan should be changed as follows:

- The plan period should either align with the High Peak Local Plan or the development needs for the Whaley Bridge area beyond 2031 should be identified and planned for.
- The plan should allocate sites for residential development to meet the overall housing requirement for High Peak and that of the Central Area. Given the significant shortfall in affordable housing delivery in High Peak and in the Central Area including Whaley Bridge, sites should be allocated in the Neighbourhood Plan to specifically deliver affordable homes. Details of our client's land are provided in section 4 above.
- Finally, the amendments to individual policies as set out in section 5 above should be made.

5.2 This concludes our representations. Please note that we wish to be kept informed of the process moving forward. We would be happy to meet with you to discuss our representations at this stage.



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