

## STATEMENT OF COMMON GROUND

MARCH 2022

APPEAL REFERENCE: APP/H1033/W/21/3272745

DATE OF HEARING: 15<sup>th</sup> and 16<sup>th</sup> March 2022

VENUE: Octagon, Pavillion Gardens, Buxton, SK17 6BE

SITE ADDRESS: Taxal Edge, 184 Macclesfield Road, Whaley Bridge, SK23 7DR

DESCRIPTION OF THE DEVELOPMENT: Demolition of the existing building known as "Taxal Edge" and the detached garage building and the erection of 7 no. dwellings ~~and erection of garage / study in relation to adjacent building.~~

Commented [Emery1]: Deleted by Emery Planning as this is not the description of development on the application forms or decision notice.

APPELLANT: Treville Properties Ltd

LOCAL PLANNING AUTHORITY: High Peak Borough Council

This statement addresses the following areas of common ground:

1. Description of the site
2. Description of the area
3. Planning history of site
4. Development plan (including relevant policies)
5. Supplementary planning guidance published by LPA (and / or supplementary planning guidance published under previous provisions and still in place.)
6. 5 Year housing land supply
7. List of possible conditions and the reasons for them (including any that are not agreed, with reasons why)
8. Section 106 agreement
9. Matters of agreement and disagreement
10. List of agreed plans

## **1. Description of site**

- 1.1 The site is 0.49 hectares and comprises Taxal Edge, 184 Macclesfield Road. The property is a large dwelling, which was formerly a boarding school / hostel. The original building was constructed in 1918 and has been extended on several occasions. Additions included a gymnasium building, changing rooms and external fire escapes with some of these elements now demolished.
- 1.2 The site is accessed via Macclesfield Road, Whaley Bridge. A PROW (Public Right of Way) HP/23/56/1 runs along the lane at the entrance to the site from Macclesfield Road and then along the south eastern boundary of the application site.

## **2. Description of area**

- 2.1 The site is located on the southwest edge of Whaley Bridge. To the east and southeast boundaries of the site is the PROW, the other side of which are the rear gardens of the residential properties on Beech Rise and Linglongs Avenue which are set at a lower level. To the northeast are further detached residential properties (Brewood, Hilltop and Woodside) which share the access road to the site. Rising land to the rear (northwest) of the site is formed by woodland, with open countryside beyond.

## **3. Planning History of site**

- HPK/0002/5081 – Additional car parking provision adjacent to the main driveway – approved 6th April 1987
- HPK/2008/0069 – Change of use of Taxal Edge from a boarding hostel and associated ancillary residential accommodation to use as a single dwelling – approved 28th March 2008;
- HPK/2009/0209 – Change of use from a single dwelling to 10 apartments involving internal alterations only – withdrawn 26th June 2009;
- HPK/2009/0689 – Conversion of Taxal Edge to provide 7 no. apartments and the conversion of the classroom block and disused garage to 2 no. detached houses – approved 29th March 2010.
- HPK/2013/0503 – Proposed conversion of Taxal Edge to 5 no. apartments and construction of 2 no. semi-detached houses where the gymnasium is located – approved 25th November 2013.
- HPK/2015/0518 – Outline planning application for 2 no. semi- detached dwellings – refused 11th December 2015

#### **4. Development Plan**

4.1 The development plan for the site is the High Peak Local Plan (HPLP adopted 2016).

4.2 The site falls within an area of countryside between the built up area boundary and the Green Belt.

4.3 The following policies of the HPLP are relevant:

- Policy S 1: Sustainable Development Principles;
- Policy S 1a: Presumption in Favour of Sustainable Development;
- Policy S 2: Settlement Hierarchy;
- Policy S 3: Strategic Housing Development;
- Policy S 6: Central Sub-area;
- Policy EQ 1: Climate Change;
- Policy EQ 2: Landscape Character;
- Policy EQ 3: Rural Development;
- Policy EQ 5: Biodiversity;
- Policy EQ 6: Design and Place Making;
- Policy EQ 7: Built and Historic Environment;
- Policy EQ 8: Green Infrastructure;
- Policy EQ 9: Trees, Woodland and Hedgerows;
- Policy EQ 10: Pollution Control and Unstable Land;
- Policy EQ 11: Flood Risk Management;
- Policy H 1: Location of Housing Development;
- Policy H 2: Housing Allocations;
- Policy H 3: New Housing Development;
- Policy H 4: Affordable Housing;
- Policy CF 3: Local Infrastructure Provision;
- Policy CF 4: Open Space, Sports and Recreation Facilities;
- Policy CF 6: Accessibility and Transport; and
- Policy CF 7: Planning Obligations and Community Infrastructure Levy.

#### **5. Supplementary Planning Documents**

5.1 The following supplementary planning documents are relevant:

- High Peak Design Guide SPD (February 2018);
- Adopted residential design SPD (December 2005); and

- Landscape Character SPD (March 2006).

## 6. Five Year Housing Land Supply

- Statement of Five Year Housing Land Supply (as at 1<sup>st</sup> April 2021)

## 7. Section 106 agreement

7.1 To be confirmed.

## 8. List of possible conditions

8.1 A list of conditions is attached at Annexe A.

## 9. Matters of agreement and disagreement

### General matters that are agreed

9.1 The appeal development is acceptable in respect of the following matters and/or the relevant matters can be addressed through the use of planning conditions:

- Highways and accessibility considerations
- Arboricultural considerations save as to impact on residential amenity
- Drainage
- Ecology (refer to Derbyshire Wildlife Trust Statement dated 10<sup>th</sup> March 2022)

**Commented [SR2]:** Subject to resolution of whether a s106 is required.

9.2 It is agreed that there is no requirement for affordable housing.

9.3 The proposed mix of house types is appropriate and does not conflict with planning policy.

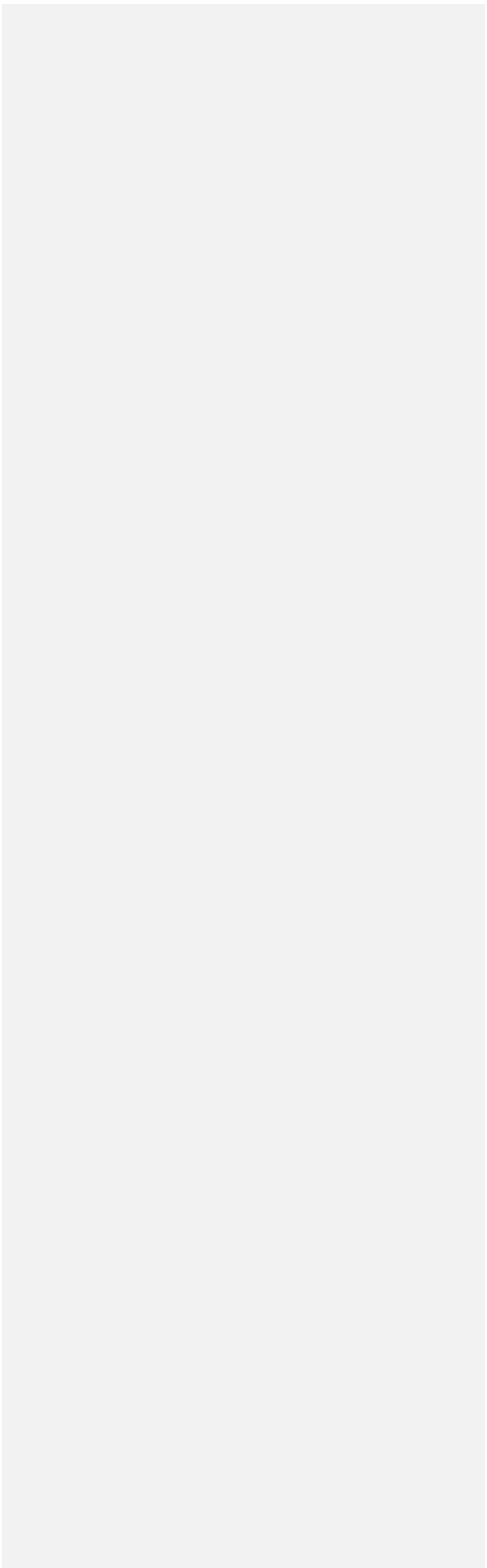
9.4 The Council can currently demonstrate 4.79 years supply of housing land (as at 1st April 2021 including a 5% buffer and meeting the shortfall within the next five years using the agreed Liverpool Method approach. This represents a shortfall of 103 housing units.

9.5 Accordingly, for decision makers this means that when considering development proposals planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole (NPPF para 11d) (ii).

### General matters that are not agreed

9.6 The appellant maintains that the proposed development accords with the Development Plan and with the

relevant requirements of National Planning Policy contained within the Framework. The LPA asserts that the development would not comply with the requirements of the Development Plan or with National Planning Policy.



**Detailed matters of disagreement**

<b>Topic: Principle of development</b>		
	<b>Appellant position</b>	<b>LPA position</b>
1	<p>The development complies with Local Plan Policy H 1. It is supported by the second bullet point of the policy and complies with the requirements in the second part of the policy.</p>	<p>The Council sets out its position on the principle of development at 7.7 to 7.20 of the officer's report dated 19.4.21. The Council does not agree that the development complies with policy H1 either in respect of the second bullet point or compliance with the second part of the policy.</p> <p>The Council will set out its position on the tilted balance in a separate statement.</p>
<b>Topic: Fallback position</b>		
	<b>Appellant position</b>	<b>LPA position</b>
1	<p>The main building can lawfully be used as a single dwellinghouse or as 7no or 5no apartments (depending upon whether permission reference HPK/2008/0069, HPK/2009/0689 or HPK/2013/0503 is relied upon);</p> <p>The former classroom block can be used as a dwellinghouse;</p> <p>The erection of 2 no semi-detached dwellings can lawfully be completed.</p>	<p>The Council accepts that the main building can be used as a single dwelling house in accordance with HPK/2008/0069.</p> <p>The Council does not believe it has sufficient information to conclude whether the former classroom block dwelling has been converted in accordance with the 2009 consent and in accordance with the conditions of that consent.</p> <p>Permissions reference HPK/2009/0689 and HPK/2013/0503 consents cannot both be relied on simultaneously. If HPK/2013/0503 is now being relied on, the Council accepts that the 2 no semi-detached dwellings can lawfully be completed.</p> <p>Please see the Council's legal submissions for its view of the fall-back position.</p>
2	<p>The above fallback position is highly relevant when considering the acceptability of the proposed development.</p>	<p>Where there is a lawful fall-back position to be taken into account, then a comparison is made between the impact of the proposed development and the impact of the fall-back position.</p>

<b>Topic: Character and appearance</b>		
	<b>Appellant position</b>	<b>LPA position</b>
1	The proposed development, would not be visually prominent and would not be detrimental to the Settled Valley Pastures Character Area	The LPA position is set out at paragraphs 7.28 to 7.39 of the officer's report dated 19.4.21 and relevant consultation responses.  In addition, the Council relies on its Landscape Statement submitted on the 7 <sup>th</sup> March 2022.
2	The proposed development reflects local building styles and patterns of development	Is set out at paragraphs 7.28 to 7.39 of the officer's report dated 19.4.21 and relevant consultation responses.
<b>Topic: Amenity</b>		
	<b>Appellant position</b>	<b>LPA position</b>
1	The development plan and associated design guidance contain no specific standards for private outdoor amenity space.	The Council acknowledges that there are no set measurable standards and is a matter for planning judgement.  The Council's position is set out in the officer's report dated 19.4.21 paragraphs 7.46 – 7.52.
2	The proposed development would provide good standards of residential amenity, including adequate outdoor space.	The Council's position is set out in the officer's report dated 19.4.21 paragraphs 7.46 – 7.52. Good standards of residential amenity, including adequate outdoor space cannot be achieved in respect of plots 1 and 2.
<b>Benefits of the development</b>		
	<b>Appellant position</b>	<b>LPA position</b>
1	The development would provide benefits in respect of the economic, social and environmental objectives of sustainable development	The Council does not consider the proposal is sustainable overall because it will result in demolition of the large detached Edwardian Villa and its garage with a wholesale site redevelopment of 7 new build dwellings, together with outbuildings that are not well related with the existing pattern of development or surrounding land uses and lead to a prominent intrusion into the countryside and resultant landscape harm.

**10. List of agreed plans**

- Site Location Plan (TADW drawing no. 411179 10 P4)
- Existing Site Plan (TADW drawing no. 411179 19 P4)
- Proposed Site Plan (TADW drawing no. 411179 20 P14)
- House Type A – Floor Plans and Elevations (TADW drawing no. 411179 21 P8)
- House Type B – Floor Plans and Elevations (TADW drawing no. 411179 22 P7)
- House Type C – Floor Plans and Elevations (TADW drawing no. 411179 23 P7)
- Garage Plan – Floor Plan and Elevations (TADW drawing no. 411179 24 P3)
- Landscape Works - General Arrangement Plan (The Plant Room drawing no. PR/0/GC04/GA/01)
  - This indicative landscaping scheme has been updated for the purposes of the appeal and is replaced by Barnes Walker’s Landscape Layout reference M3414-PA-01-V2

**Signed on behalf of the appellant:**

**Position:** Director

**Date:** 11 March 2022

**Signed on behalf of High Peak Borough Council:**



**Position:** Senior Planning Officer (Majors and Commercial)

**Date:** 11 March 2022