

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

**PLANNING APPEAL
BY
WAIN HOMES (NORTH WEST) LIMITED**

**AGAINST THE REFUSAL OF FULL PLANNING PERMISSION
BY HIGH PEAK BOROUGH COUNCIL
FOR A RESIDENTIAL DEVELOPMENT OF LAND AT DINTING VALE,
DINTING, GLOSSOP, DERBYSHIRE**

**STATEMENT OF COMMON GROUND (AIR QUALITY)
BETWEEN
WAIN HOMES (NORTH WEST) LIMITED
&
HIGH PEAK BOROUGH COUNCIL**

Appeal By Wain Homes (North West) Limited
Land south of Dinting Vale, Dinting, Glossop, Derbyshire
Air Quality Statement of Common Ground Between Wain Homes (North West)
Limited & High Peak Borough Council

CONTENTS

PAGE NUMBER

1.	INTRODUCTION	2
2.	AIR QUALITY	4
3.	DECLARATION	5

**Appeal By Wain Homes (North West) Limited
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1. INTRODUCTION

SCOPE

- 1.1 This Statement of Common Ground (SoCG) regarding Air Quality accompanies an appeal made by Wain Homes (North West) Limited (hereafter referred to as the Appellant) against the refusal of full planning permission by High Peak Borough Council (hereafter referred to as HPBC or the Council) for a development of 92 dwellings, relating to land at Dinting Vale, Dinting, Glossop (hereafter referred to as the appeal site).
- 1.2 Other SoCG accompany this appeal and should be considered alongside this document.

BACKGROUND - AGREED FACTS

- 1.3 The Decision Notice was issued on 27 October 2023 (**Document 357**) in the bundle of documents submitted with the appeal), which confirmed that the application was refused for the following 4 reasons:

"1. The A57 Dinting Vale is already designated as an Air Quality Management Area (AQMA) and there is potential for the level of air pollution in the area to be further increased due to increased traffic levels, leading to concerns around the impact on health of people, in particular children, in the area. Whilst it is acknowledged that the developer proposes Section 106 Contributions towards Air Quality Monitoring in the area and sustainable travel feasibility studies, this will not mitigate the actual impact of the development. As such the proposal is contrary to Policy EQ10 of the adopted High Peak Local Plan 2016 and the NPPF.

2. The position of the proposed highway access road from the A57, part of which lies outside the Local Plan allocation, in close proximity to the school, would result in an unacceptable risk to road safety. The proposal therefore fails to achieve safe and suitable access contrary to Policy CF6 of the adopted High Peak Local Plan 2016 and the NPPF.

3. The proposed section 106 package fails to achieve a policy compliant level of affordable housing and fails to fully mitigate for the substantial tree loss and loss of biodiversity on the site. Whilst the viability issues are noted, in the absence of a policy compliant Section 106 package the residual harm arising from the development is

Appeal By Wain Homes (North West) Limited
Land south of Dinting Vale, Dinting, Glossop, Derbyshire
Air Quality Statement of Common Ground Between Wain Homes (North West)
Limited & High Peak Borough Council

considered to outweigh the benefits of delivering this allocated housing site contrary to Policies DS4, EQ9, EQ5, H3 and H4 of the adopted High Peak Local Plan 2016 and the NPPF.

4. There is potential for the public right of way onto Simmondley Lane to be used as a "rat-run" for vehicle access, and the absence of any detailed and workable proposals for preventative measures within the application, which would also allow the access rights for existing residents to be maintained, the proposal is considered to pose a risk to the safety of users of the right of way and a highway safety risk at the junction with Simmondley Lane contrary to Policies EQ6 and CF6 of the adopted High Peak Local Plan 2016 and the NPPF."

Appeal By Wain Homes (North West) Limited
Land south of Dinting Vale, Dinting, Glossop, Derbyshire
Air Quality Statement of Common Ground Between Wain Homes (North West)
Limited & High Peak Borough Council

2. AIR QUALITY

- 2.1 It is agreed that the proposed development is not located within a statutorily designated AQMA. However, Dinting Vale (A57), the road adjacent to the appeal site, was declared an AQMA in 2019 in respect of annual mean concentrations of NO₂.
- 2.2 An Air Quality Assessment (AQA) was produced in support of the application. The AQA concluded that based on annual mean concentrations, at any receptors without or with the development in place, impacts were predicted to be negligible at all receptors and the overall impacts were predicted to be not significant.
- 2.3 It is agreed that the Council's Environmental Health Officer (EHO) did not object to the scheme and did not challenge that the effect of the development on air quality was negligible.
- 2.4 During consideration of the application it was suggested by the Council's EHO that the appellant make a financial contribution of £150 per dwelling to validate the results of the model used by the Appellant's consultant and to look at further interventions in the area such as sustainable travel. The Appellant has agreed to make provision within the Section 106 Agreement for such sums to be paid to the Council.
- 2.5 It is agreed that the scheme has embodied good practice with regard to air quality in the form of the submitted Travel Plan (**Document 243**) and has provided for electric vehicle charging and cycle parking.

**Appeal By Wain Homes (North West) Limited
Land south of Dinting Vale, Dinting, Glossop, Derbyshire
Air Quality Statement of Common Ground Between Wain Homes (North West)
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3. DECLARATION

- 3.1 This SoCG has been agreed between the Appellants and HPBC. Those signing on behalf of the parties do so with the authority of the Appellant and HPBC.

Signed on behalf of Wain Homes (North West) Limited:

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Print Name:

Date:

Signed on behalf of High Peak Borough Council:

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Print Name:

Date: