

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
(PLANNING)
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
Planning Statement of Common Ground Between Wain Homes (North West) Limited
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1. INTRODUCTION

SCOPE

- 1.1 This Statement of Common Ground (SoCG) 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 appeal site forms part of land that is allocated for the development of 130 dwellings in the Council's Local Plan (Policy DS 4 refers) that was adopted in April 2016. As a consequence, the principle of developing the appeal site had been firmly established for over 8 years. The Council reviewed the Local Plan in June 2022 and the report presented to the Council's Executive on 23 June 2022 (**Document 449**) concluded that part of the Local Plan was out-of-date (Policies S3 (Strategic Housing Development), S4 (Maintaining & Enhancing An Economic Base) and Policy H4 (Affordable Housing)). Importantly, Policy DS 4 was not deemed to be out of date.
- 1.4 The Appellant signed a Planning Performance Agreement (PPA) with HPBC on 2 November 2022 following pre-application discussions on the scheme. The planning application was validated on 3 November 2022 and given the planning application reference number HPK/2022/0456. The application was reported to the Council's Development Control Committee on 23 October 2023 with an Officer recommendation for approval. Notwithstanding the recommendation Members voted to refuse the application contrary to the professional advice of Officers.
- 1.5 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:

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"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 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."

- 1.6 Save for the above reason for refusal the Council does not invite dismissal of the appeal on any other basis. Furthermore, save for the above referenced Development Plan policies it is agreed that the Council does not allege that there is a breach of any other relevant Development Plan policy.

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2. THE PROPOSED DEVELOPMENT

DESCRIPTION

- 2.1 It is agreed that the description of development for the full planning application is as follows:

"Proposed residential development comprising 92 dwellings including areas of public open space, landscaping and associated works."

- 2.2 The Inspector is requested to determine the appeal on the basis of the description of development given above.

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3. PLANNING APPLICATION & APPEAL DOCUMENTS

PLANS AND DRAWINGS

- 3.1 An indexed bundle of documents was submitted with the appeal comprising:
- Documents 1 – 80: The Original Application Documents.
 - Documents 81 – 352: Documents Submitted to HPBC Following Validation of the Application. Consultee Comments (Excluding Local Residents Comments).
 - Documents 353 - 357: PPA, Validation Letter, PPA Addendum, Development Control Committee Report And Decision Notice.
 - Documents 358 - 432: Consultee Comments (Excluding Local Residents Comments).
- 3.2 The Council determined the application based upon the following plans and drawings:
- Document 192. Apartment Bin Store Plans Drwg No. WH/DV/HT/BS/01.
 - Document 207. Railing Detail.
 - Document 226. Trim Trail Area 102 Rev B.
 - Document 231. BNG Strategy and 30 Year Management Plan.
 - Document 253. Cycle Store Details WH_DV_CS02.
 - Document 267. Laurel House Type Elevations and Floor Plans LAU.3B843.CL.P.S.01.
 - Document 268. Peppercorn House Type Elevations and Floor Plans PEP.3B1010.CL.P.S.01.
 - Document 269. Satinash House Type Elevations and Floor Plans SAT.NM.P.S.01.
 - Document 270. Willow House Type Elevations WIL.NM.P.F.02.
 - Document 271. Willow House Type Floor Plans WIL.NM.P.F.01.
 - Document 272. Willow House Type (Plot 1) Elevations WIL.NM.P.F.02.
 - Document 273. Willow House Type (Plot 1) Floor Plans WIL.NM.P.F.01.
 - Document 274. Acacia House Type Elevations and Floor Plans ACA.3B939SA.CL.P.S.01.

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- Document 275. Foxglove House Type Elevations FOX.NM.P.F.02.
- Document 276. Foxglove House Type Floor Plans FOX.NM.P.F.01.
- Document 277. Juniper House Type Elevations JUN.NM.P.S.01.
- Document 278. Juniper House Type Floor Plans JUN.NM.P.F.01.
- Document 279. Witchazel House Type Elevations WIT.NM.P.F.02.
- Document 280. Witchazel Houe Type Floor Plans WIT.NM.P.F.01.
- Document 281. Double Garage Plans LDG.CE.1.0.S Rev B.
- Document 282. Paired Garage LPG-CE-1.0-S Rev A.
- Document 283. Reversed Paired Garage RPG-CE-1.0-S.
- Document 284. Single Garage Plans LSG-CE-1.4-S Rev A.
- Document 291. External Works Sheet 1 WAI25-XX-BET-ZZ-XX-DR-C-3001- P02.
- Document 292. External Works Sheet 2 WAI25-XX-BET-ZZ-XX-DR-C-3002- P02.
- Document 293. External Works Sheet 3 WAI25-XX-BET-ZZ-XX-DR-C-3003- P02.
- Document 294. External Works Sheet 4 WAI25-XX-BET-ZZ-XX-DR-C-3004- P02.
- Document 295. External Works Sheet 5 WAI25-XX-BET-ZZ-XX-DR-C-3005- P02.
- Document 296. Bat and Bird Box Location Rev A.
- Document 299. Road 1 and Cyclepath Longitudinal Section WAI25-XX-BET-XX-XX-DR-C-1010-P01
- Document 321. Chinley Apartments Floor Plans WH/DV/CHA/PP/01 Rev A.
- Document 322. Chinley Apartments Elevations WH/DV/CHA/PE/01 Rev A.
- Document 326. Colour Site Layout - WH_DV_CSL_01 rev M.
- Document 327. Proposed Site Layout - WH_DV_PSL01 rev N.
- Document 328. Amenity Distances Plan - WH_DV_ADP_01 rev A.
- Document 329. Adoptable Highways Plan - WH_DV_AHP_01 rev K.

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- Document 330. Boundary Treatment Details - WH_DV_BTD_01 rev C.
- Document 331. Boundary Treatment Plan - WH_DV_BTP_01 rev N.
- Document 332. Cycle Storage Plan - WH_DV_CS_01 rev I.
- Document 333. Design and Access Statement - WH_DV_DAS rev K.
- Document 334. Electric Vehicle Charging Plan - WH_DV_EVC_01 rev K.
- Document 335. Hardstanding Plan - WH_DV_HP_01 rev K.
- Document 336. Interface Distances Plan - WH_DV_IDP_01 rev I.
- Document 337. Materials Plan - WH_DV_MP_01 rev L.
- Document 338. Net Developable Area - WH_DV_NDA_01 rev J.
- Document 339. Storey Heights Plan - WH_DV_SHP_01 rev K.
- Document 340. Site Sections - WH_DV_SS_01 rev F.
- Document 341. Street Scenes - WH_DVG_SS_02 rev D.
- Document 342. Street Scenes - WH_DVG_SS_03 rev A.
- Document 343. Waste Management Plan - WH_DV_WMP_01 rev K.
- Document 348. Landscape Masterplan 101 Rev L
- Document 349. Planting Plan (1 of 4) 201 Rev J
- Document 350. Planting Plan (2 of 4) 202 Rev J.
- Document 351. Planting Plan (3 of 4) 203 Rev J.
- Document 352. Planting Plan (4 of 4) 204 Rev J.

3.3 The Inspector will note that the Decision Notice does not refer to the Location Plan - WH_DV_LP_01 Rev B (Document 344) which was submitted with the application. The appellant wrote to Mr Ben Haywood, Head of Development Services at HPBC on 31 October 2023 and again on 4 December 2023 asking for the Location Plan to be included in a corrected Decision Notice. The Council now agrees that the above-mentioned location plan should be listed as an approved document should the appeal be allowed.

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- 3.4 The Inspector is requested to determine the appeal on the basis of the above-mentioned plans and drawings, together with the Location Plan (Document 344) and such other information as is produced by the parties in the course of the appeal.

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4. THE APPEAL SITE & SURROUNDING AREA

THE APPEAL SITE LOCATION

- 4.1 The appeal site is located to the south of Dinting Vale (A57) approximately 1.6km to the west of Glossop town centre.
- 4.2 The Grid Reference of the site is:
- Easting: 401928.
 - Northing: 394209

APPEAL SITE DESCRIPTION

- 4.3 The appeal site extends to 4.7 hectares. It is currently accessed from Adderley Place, which is unadopted road and Public Right of Way (PROW) which comes off Simmondley Lane and traverses the appeal site in roughly an east west direction. Adderley Place serves a Scout Centre and a limited number of houses.
- 4.4 The northern section of the appeal site (north of Adderley Place) is overgrown with trees and shrubs. The topography within this area is sloping with ground levels falling northwards towards Dinting Vale (A57).
- 4.5 The southern portion of the appeal site (south of Adderley Place) is generally open grassland where the levels slope from west to east. The land does include some trees within the appeal site but generally speaking, these are located around the periphery and along the access track.
- 4.6 The appeal site is currently used for horse grazing.

SURROUNDING AREA

- 4.7 Immediately to the north and west of the appeal site are existing residential dwellings which are accessed from Dinting Vale (A57) and Adderley Place respectively.
- 4.8 Dinting Church of England Primary School and Holy Trinity Church are located on the northern side of Dinting Vale (A57) with the buildings lying to the north east of the proposed access point to the development. It should also be noted that in the vicinity of the school and church is a traffic light controlled pedestrian crossing.

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- 4.9 A further woodland area is located to the east of the appeal site and within this is a stream, beyond this is Dinting Cricket Club.
- 4.10 Further housing is located beyond the appeal site to the south.
- 4.11 To the west of the appeal site is the Gamesley Sidings woodland area and beyond this the Glossop to Manchester railway line.

ACCESSIBILITY

- 4.12 The appeal site is situated within an accessible location in Dinting Vale approximately 1.6 km away from the town centre of Glossop where there are a variety of shops and services to meet-day-to-day needs.
- 4.13 It is agreed that there are a significant number of local facilities within close proximity of the appeal site. It is agreed that the appeal site is locationally sustainable.

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5. STATUTORY DESIGNATIONS

5.1 It is agreed that the appeal site is not affected by any statutory designations.

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6. PLANNING HISTORY

- 6.1 It is agreed that there is no site specific planning application or planning appeal history that is relevant to consideration of the appeal proposals.

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7. THE DEVELOPMENT PLAN

THE DEVELOPMENT PLAN

- 7.1 The Development Plan comprises the High Peak Local Plan which was adopted on 14 April 2016.
- 7.2 Having regard to the adopted Proposals Map (extract at **Document 441**) it is agreed that the appeal site is within the built-up area of Glossop and the vast majority of the site is allocated for housing where Policy DS 4 (Adderley Place, Glossop) is relevant.
- 7.3 The development of the site for residential purposes accords with the policies of the development plan and it is agreed that there is no in principle objection to the residential development of the site.
- 7.4 It is agreed that the appeal site is not located within the Green Belt or open countryside and nor is it subject to any other allocations/designations in the Development Plan.
- 7.5 It is agreed that the most important policies for determining the appeal are those set out below:
- Policy S 1 – Sustainable development principles.
 - Policy S 1a – Presumption in favour of sustainable development.
 - Policy S 2 – Settlement hierarchy. This policy states that development will be directed towards the most sustainable locations in accordance with the settlement hierarchy. The policy defines Glossop as a Market Town which is an area where there will be a focus for housing amongst other things.
 - Policy S3 - Strategic housing development. This policy sets out the supply and distribution of dwellings and requires provision to be made for at least 7,000 dwellings over the Plan period 2011 - 2031 at an overall annual average rate of 350 dwellings per annum.
 - Policy S 5 – Glossopdale Sub-area Strategy. This policy states that the Council will seek to promote the sustainable growth of Glossopdale whilst promoting and maintaining the distinct identity of its settlements, provide an increasing range of employment opportunities, promoting the growth of a sustainable tourist economy and meeting the housing needs of the local community.
 - Policy EQ 1 – Climate change.

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- Policy EQ 2 – Landscape character.
- 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 H1 sets out *inter alia* that the Council will support the development of specific sites through new site allocations in the Local Plan.
- Policy H 2 – Housing allocations. The appeal site is listed as part of a housing allocation referred to as Adderley Place which is expected to deliver approximately 130 dwellings. The policy also sets out an indicative phasing strategy noting that the appeal site was planned to come forward in the middle phase (2021-2026) of the Plan period.
- Policy DS 4 – Adderley Place, Glossop. Policy DS 4 allocates the appeal site and land to the east of it (owned by the Council and which is currently being marketed on its behalf by CBRE for housing development) for approximately 130 dwellings (**Document 435**). The policy lists 7 requirements that the Council expects proposals to comply with which the appeal scheme has addressed.
- Policy H 3 – New housing development.
- Policy H 4 – Affordable housing. Notably Policy H 4 has a viability element to it which allows for less than the prescribed amount of affordable housing required under the policy where viability is an issue.
- Policy CF 3 – Local infrastructure provision.
- Policy CF 4 – Open space, sports and recreation facilities.
- Policy CF 5 – Provision and retention of local community services and facilities.
- Policy CF 6 – Accessibility by public transport.

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- Policy CF 7 – Planning obligations and community infrastructure levy.

HIGH PEAK LOCAL PLAN REVIEW

- 7.6 The Council reviewed the Local Plan in June 2022 and the report presented to the Council's Executive on 23 June 2022 (**Document 449**) concluded that part of the Local Plan was out-of-date (Policies S3 (Strategic Housing Development), S4 (Maintaining & Enhancing An Economic Base) and Policy H4 (Affordable Housing)). However, Policy DS 4 relating to the allocation of the appeal site was not deemed to be out of date and neither were any of the other policies mentioned above.

8. OTHER MATERIAL CONSIDERATIONS

NATIONAL PLANNING POLICY AND GUIDANCE

8.1 The following national policy and guidance documents are relevant to the appeal:

- National Planning Policy Framework (19 December 2023).
- National Planning Practice Guidance (6 March 2014 and subsequent amendments).
- National Design Guide (January 2021).

SUPPLEMENTARY PLANNING DOCUMENTS (SPD's)

8.2 The following SPDs are acknowledged and are considered relevant to the appeal:

- Developer Contributions SPD (October 2023) (**Document 442**).
- High Peak Design Guide SPD (Feb 2018) (**Document 443**).
- Glossop Design and Place Making Strategy (Dec 2011) (**Document 445**).
- Housing Needs in the High Peak SPD (Nov 2007) (**Document 446**).
- Landscape Character SPD (March 2006) (**Document 446**).
- Adopted Residential Design SPD (Dec 2005) (**Document 447**).
- Designing out Crime SPD (June 2005) (**Document 448**).

LOCAL PLAN REVIEW

8.3 The Council has started a review of its Local Plan and consulted on an "Early Engagement Document" in January 2023 (**Document 436**). According to the Council's Local Development Scheme 2022, a draft Plan is expected to be published in 2025. The Council has also published its Statement of Five Year Housing Land Supply (as at 1st April 2023) in November 2023 (**Document 438**) which claims the Council has a 6.4 years supply.

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9. PRINCIPLE OF DEVELOPMENT

- 9.1 It is agreed that the principle of development is acceptable having regards to Policy DS 4 of the adopted Local Plan.

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10. HOUSING MIX

- 10.1 It is agreed that the proposed mix of dwellings shown below in Table 1 is acceptable and there is no conflict with any policy or guidance contained in the Development Plan or any other material considerations with regards to housing mix.

Table 1 - Housing Mix	Dwelling Size	Total
1 bedroom		6 (7%)
2 bedroom		21 (23%)
3 bedroom		50 (54%)
4 bedroom		15 (16%)
Total		92

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11. LAYOUT AND DESIGN MATTERS

- 11.1 It is agreed that the layout and design of the scheme is acceptable and overall there is no conflict with any policy or guidance contained in the Development Plan or any other material considerations taken as a whole.

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12. RESIDENTIAL AMENITY

- 12.1 It is agreed that the interface distances between new dwellings, and between new dwellings and existing dwellings are acceptable taking into account the positioning of dwellings, proposed boundary treatments and planting.
- 12.2 It is agreed that there would be no adverse impact on residential amenity and there is no conflict with any policy or guidance contained in the Development Plan or any other material considerations with regards to neighbour amenity.

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13. OPEN SPACE

- 13.1 It is agreed that the amount of public open space and the design of the children's play area are acceptable and there is no conflict with any policy or guidance contained in the Development Plan or any other material considerations with regards to the provision of open space.

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14. LANDSCAPE VISUAL IMPACT

- 14.1 It is agreed that the landscape and visual impact of the scheme has been appropriately assessed. It is further agreed that the scheme is acceptable with regard to landscape and visual impact considerations and there is no conflict with any policy or guidance contained in the Development Plan or any other material considerations.

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15. HIGHWAY ACCESS TO THE REMAINDER OF THE ALLOCATION

- 15.1 It is agreed that a Section 106 Agreement can be used to facilitate access to the remainder of the land allocated under Policy DS4 for any future proposal.

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16. PUBLIC RIGHT OF WAY

- 16.1 It is agreed that the Council's PROW Officer did not object to the scheme having regard to **Document 432**.
- 16.2 It is agreed that the Council has recently approved planning permission for 8 dwellings at the former Zion Methodist Church, Simmondley Lane (HPK/2022/0353) where the Council did not have an issue with vehicles using Adderley Road for vehicular access and the Planning Officer dealing with that application was of the view that use of the PROW by vehicles was a civil matter and not relevant to planning (see **Documents 314- 317**).
- 16.3 It is agreed that the Planning Officer recommended a Condition (47) to deal with this matter (see paragraph 7.12.3 of the Officer's report).
- 16.4 It is noted that Members of the Council's Development Control Committee did not accept their Officer's advice with regard to the proposed condition and resolved to refuse planning permission *inter alia* on grounds relating to highway safety and those concerns were embodied in the fourth reason for refusal.
- 16.5 In response to the fourth reason for refusal the Appellant has produced a scheme to discourage new residents from using Adderley Place / PROW50 for vehicular access (hereafter referred to as the Adderley Place Vehicle Discouragement Scheme). The scheme is enclosed **at Appendix 1**. The Council and the Local Highway Authority has considered the Adderley Place Vehicle Discouragement Scheme and it is agreed that it is an acceptable scheme to discourage new residents from using Adderley Place / PROW 50 for vehicular access. Accordingly subject to the imposition of the following condition the Council is satisfied with the Adderley Place Vehicle Discouragement Scheme:
- "The Adderley Place Vehicle Discouragement Scheme shall be implemented in accordance with the details shown in the Technical Note prepared by SCP and referenced CT/210087/TN05 and shall be installed prior to the first occupation of any dwelling and it shall thereafter be retained in perpetuity".*
- 16.6 In light of the forgoing and subject to the imposition of the above condition the Council hereby withdraws RfR 4.

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17. ACCESSIBILITY, HIGHWAYS & TRANSPORTATION

- 17.1 It is agreed that the appeal site is within acceptable walking and cycling distance of shops, services and public transport facilities in order to meet day to day needs.
- 17.2 It is agreed that Adderley Place/Adderley Road which is a PROW can be used by pedestrians to access Glossop town centre via Simmondley Lane.
- 17.3 It is agreed that the proposed vehicular means of access to the appeal site is in accordance with the site-specific Policy DS4 noting that the supporting text to the policy states that access is to be taken from the A57.
- 17.4 It is correct to note that part of the proposed access falls outside the land allocated for housing as identified on the Council's Interactive Local Plan Map. However, it is agreed that this part of the access is within the Glossop Development Boundary and as a matter of principle does not represent a sustainable objection to the development and it has no implications on the safety of the access.
- 17.5 Having regard to Paragraph 7.10.7 of the Committee Report it is agreed that there are no objections from DCC Highways in relation to highway safety of the proposed access arrangements
- 17.6 It is agreed that the appeal proposals would not create any capacity issues on the local highway network.

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18. VIABILITY

- 18.1 Viability matters in relation to planning are dealt with in a separate Statement of Common Ground.

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19. BIODIVERSITY

19.1 Biodiversity matters are dealt with in a separate Statement of Common Ground.

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20. ARBORICULTURE

20.1 Arboriculture matters are dealt with in a separate Statement of Common Ground.

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21. AFFORDABLE HOUSING

- 21.1 It is agreed that the Council's affordable housing policy is contained in Policy H4 (which is out of date as acknowledged by the Council) which states *inter alia* that:

"Where the provision of affordable houses proposed is below the requirements set out above, the Council will require applicants to provide evidence by way of a financial appraisal to justify a reduced provision".

- 21.2 It is agreed that a reduced affordable provision (below the 30% requirement in this case) could constitute a nil contribution where financially justified in accordance with Policy H 4.

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

22. FLOOD RISK & DRAINAGE

- 22.1 It is agreed that the proposed drainage strategy is acceptable, there are no issues with regards to flood risk which cannot be dealt with by way of standard planning conditions and there is no conflict with any policy or guidance contained in the Development Plan or any other material considerations in relation to flood risk and drainage.

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

23. ARCHAEOLOGY

- 23.1 It is agreed that there are no outstanding issues with regard to archaeology subject to further investigations which can be appropriately controlled by condition.

Appeal By Wain Homes (North West) Limited
Land south of Dinting Vale, Dinting, Glossop, Derbyshire
Planning Statement of Common Ground Between Wain Homes (North West) Limited
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24. AIR QUALITY

24.1 Air quality matters are dealt with in a separate Statement of Common Ground.

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

25. CONDITIONS

- 25.1 Officers of the Council proposed a list of conditions in the Development Control Committee Report (Document 356). The proposed conditions are agreed by the parties save for the electric vehicle charging condition which the Appellant considers fail the necessity test and the relevant to planning test because the provision of electric vehicle charging is governed by Part S of the Building Regulations (**Document 440** refers). However, the Appellant would have no objection to an informative to highlight the Building Regulations requirement. The Appellant considers that its approach is in line with Paragraph: 005 Reference ID: 21a-005-20190723 of the PPG.

Appeal By Wain Homes (North West) Limited
Land south of Dinting Vale, Dinting, Glossop, Derbyshire
Planning Statement of Common Ground Between Wain Homes (North West) Limited
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26. PLANNING OBLIGATION

- 26.1 The parties are working to complete a bi-lateral planning obligation. The intention is to lodge this with the Planning Inspectorate at least 10 days before the opening of the Inquiry.
- 26.2 The planning obligation will deal with the matters of biodiversity, trees, sustainable travel, libraries, health, air quality, travel plan monitoring and Section 106 Agreement monitoring having regards the agreed funds available (£793,000) together with additional funds made available by the Appellant to deal with the increased costs related to biodiversity. The position is summarised in Table 2.

Table 2 - Planning Obligations Overview

Conditions/Section 106 Agreement Matters	Costs As Of 28.02.24	Notes
Biodiversity (bespoke mitigation at Chinley)	£175,335	See fully costed scheme appended herewith.
Biodiversity (off site biodiversity credits)	£530,320	18.94 off site units x Tier 1 Grassland / £28K per unit
Trees	£91,880	£72,400 planting & £19,840 maintenance
Sustainable Travel Contribution	£61,920	Appellant to pay in full.
Libraries	£6,460	Officers suggested £4k. Appellant to pay in full.
Health	£82,800	Officers suggested £40k. Appellant to pay in full.
Air Quality	£13,800	Officers suggested £6k. Appellant to pay in full.
Affordable Housing	£0	Officers suggested £193k off site contribution equivalent to a 3 bed house for rent.
Travel Plan Monitoring	£6,325	Appellant to pay in full.
LPA Monitoring	£5,000	Appellant to pay in full.
Total	£973,840	To be met by the Appellant through a combination of conditions and Section 106 Agreement
Position Agreed At Planning Application Stage	£793,000	
Additional Costs Being Met By The Appellant Since Application Stage	£180,840	

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

27. DECLARATION

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

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

--

Print Name:

Date:

Signed on behalf of High Peak Borough Council:

--

Print Name:

Date:

Appendix 1

Proposed Residential Development

A57 Dinting Vale, Glossop

Our reference: CT/210087/TN05 Date: 16th February 2024

Introduction / Background

1. SCP have been appointed by Wain Homes (North West) Limited to provide transport planning and engineering advice in support of a proposed residential development on land to the south-west of the A57 Dinting Vale, Glossop. The site is allocated for residential development under Policy DS4 of the adopted Local Plan, therefore the principle of residential development is established and accepted by the Council.
2. The development proposals were the subject of a full planning application (Application Reference: HPK/2022/0456) for the erection of 100 dwellings, which was validated by High Peak Borough Council (HPBC) on 3rd November 2022, although the application was later amended to provide 92 dwellings.
3. SCP produced a Transport Assessment and Travel Plan which were submitted with the planning application. Derbyshire County Council (DCC), as local highway authority, reviewed these documents and provided a number of comments which were addressed through various Technical Notes and meetings. Subsequently, no highway objections were received although it was recommended that the following planning condition be imposed:

Prior to the commencement of development, a scheme to discourage new residents from using the private road (Adderley Place/ PROW 50) for vehicular access, including timescales for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details/ timescales and maintained for those purposes at all times during the lifetime of the occupation of the development.

4. The aforementioned planning application was refused, against Officer's recommendations, on 27th October 2023 and this Technical Note has been prepared in response to reason for refusal 4, copied below:

Reason for Refusal 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."

Response to Reason for Refusal 4

5. Reason for refusal 4 relates to the potential for the public right of way onto Simmondley Lane to be used as a "rat-run" for vehicle access.
6. In terms of the measures to prevent development traffic using the PROW, this is anticipated to be self-enforcing when considering the PROW is accessed via a narrow cobbled section of carriageway off Simmondley Lane, as shown on **Figure 1** below, in comparison to the proposed high standard access road which is to be put forward for adoption and is not materially longer; hence the route of choice for prospective residents.

Figure 1 – Existing PROW



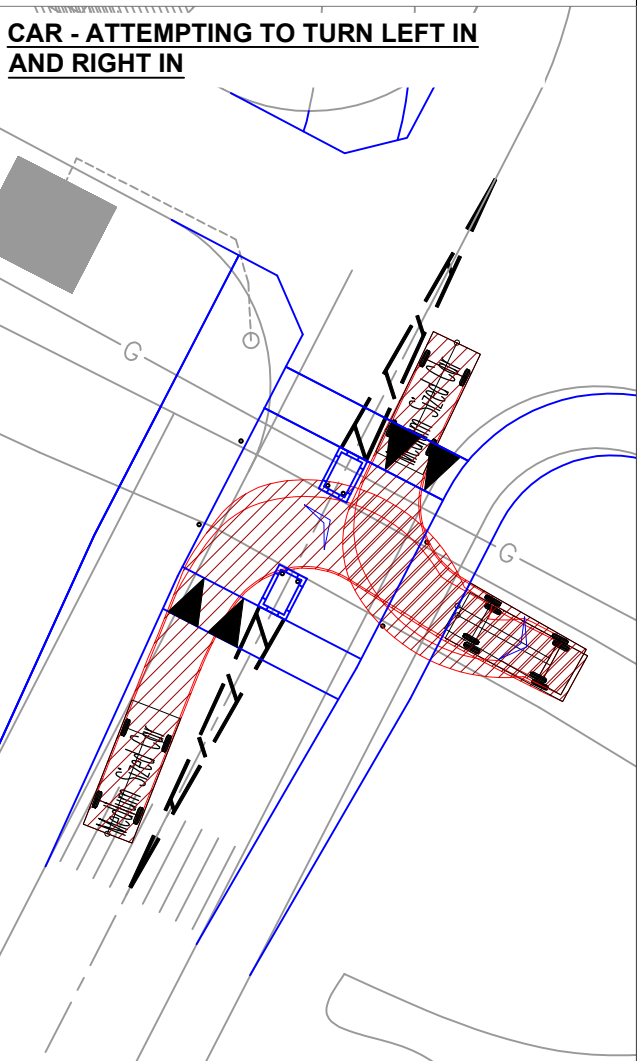
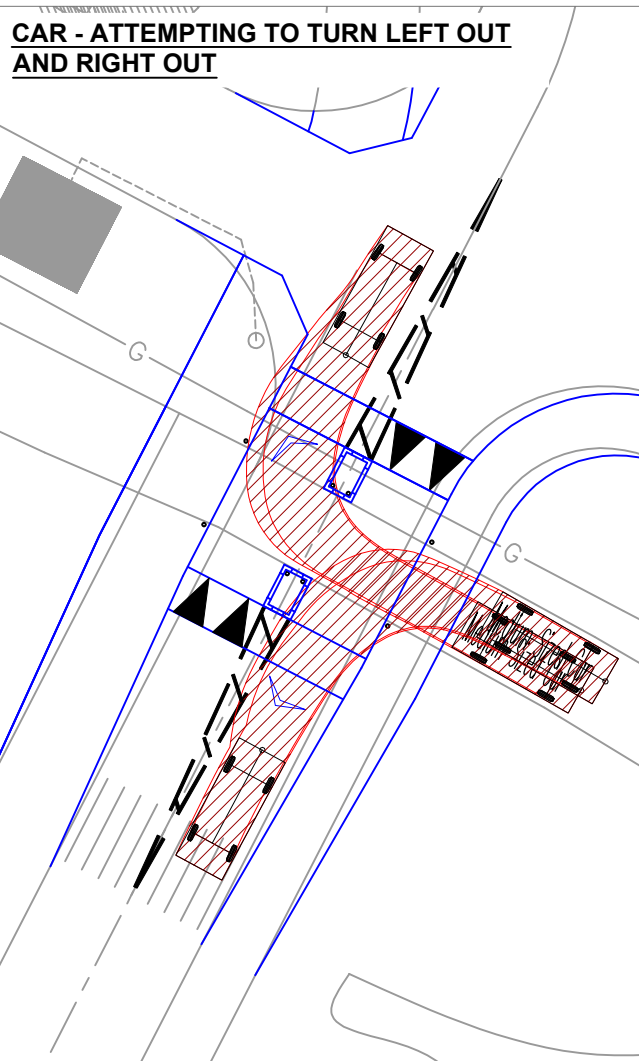
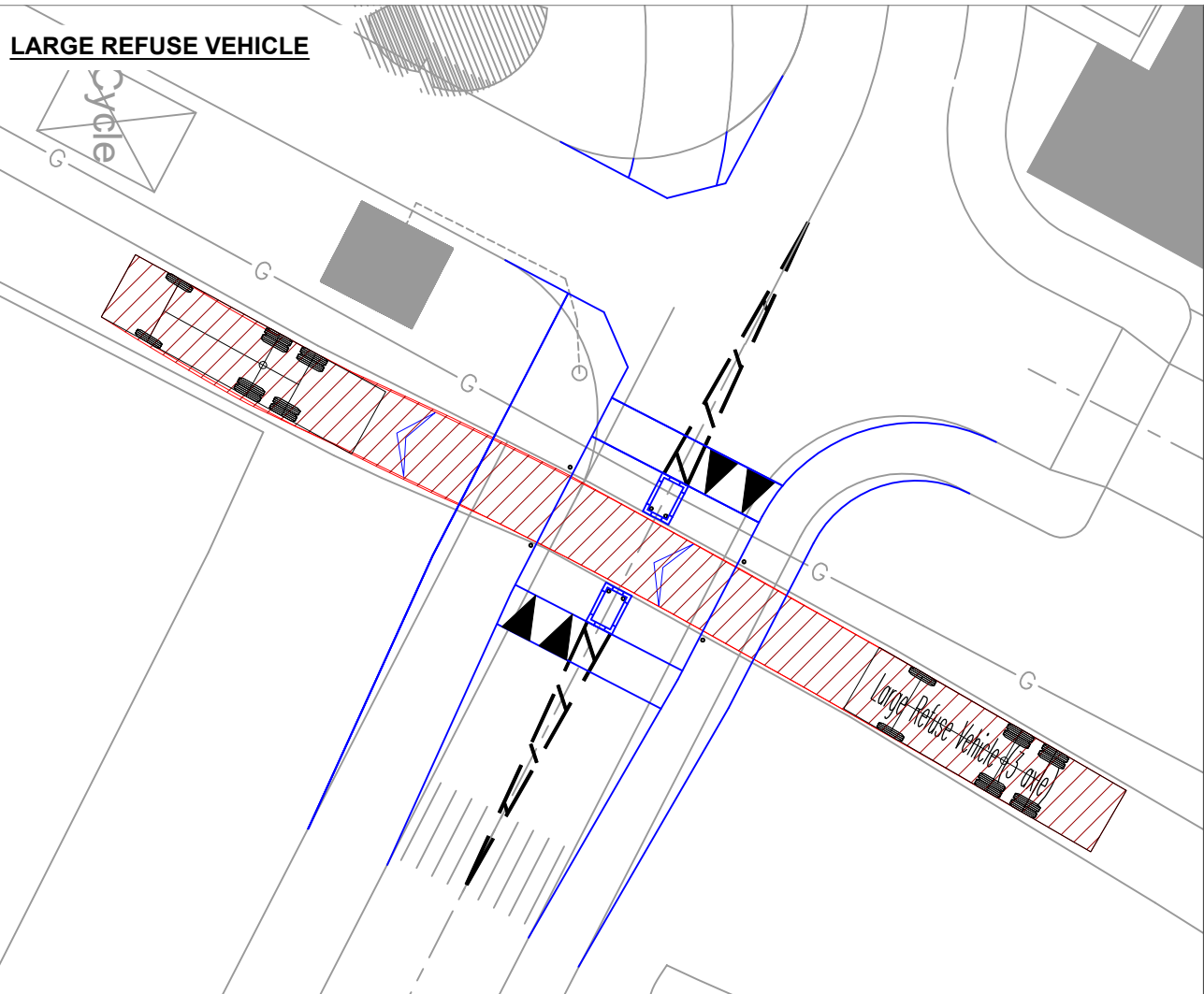
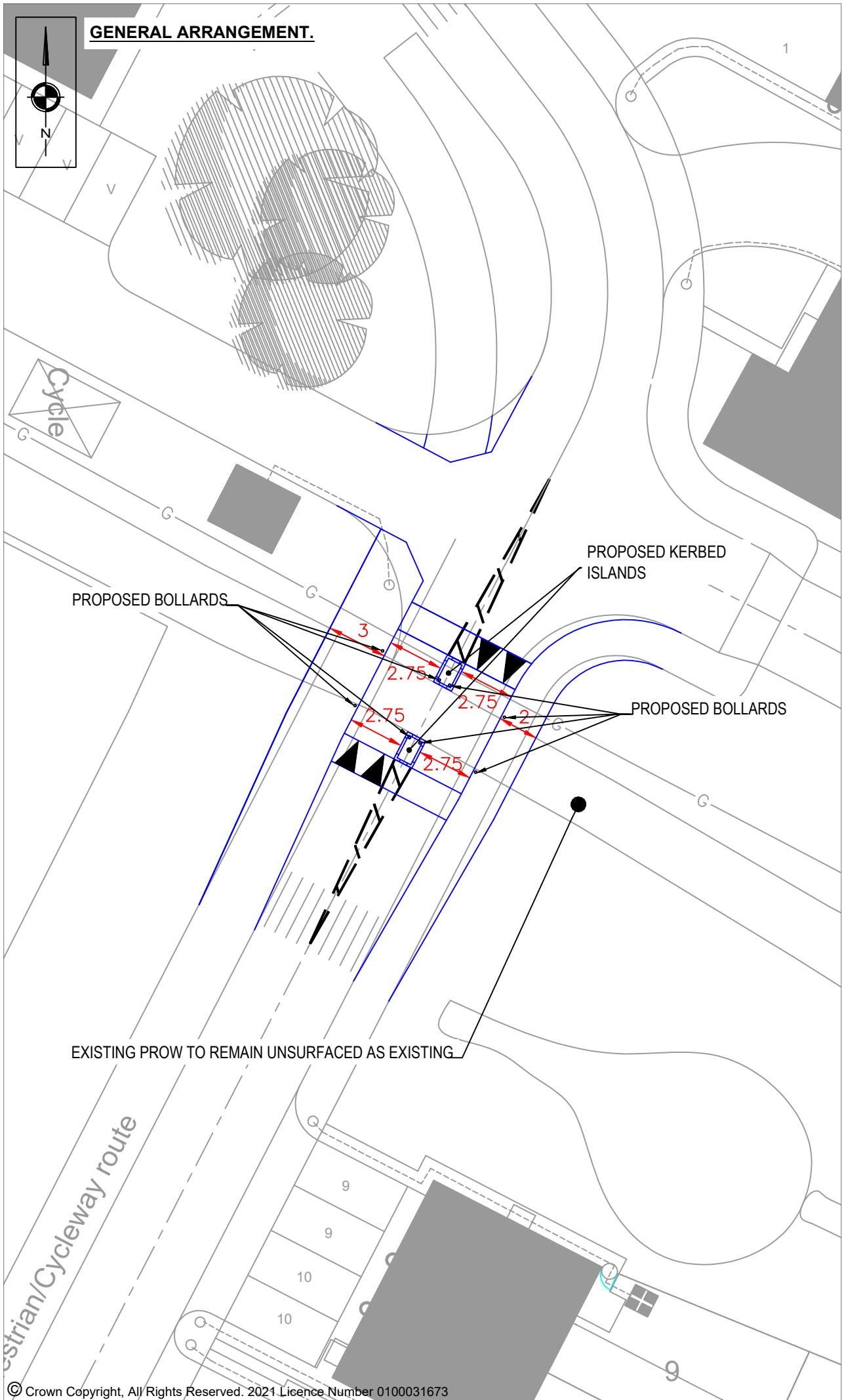
7. On the above basis, there are no proposals to upgrade the existing surfacing material as part of the measures to discourage development traffic from using the PROW and, as detailed earlier, it was agreed that any further details on measures to prevent development traffic from using the PROW, such as signage to inform drivers of the private nature of the road, could be dealt with via a suitably worded planning condition and agreed with the PROW Officer.
8. Having regard to the above, physical measures to prevent development traffic from using the PROW are not considered necessary as this is anticipated to be self-enforcing, particularly when supported with appropriate signage.
9. Notwithstanding the above and in response to reason for refusal 4, the Adderley Place Vehicle Discouragement Scheme shown on drawing number SCP/210087/SK04 Rev B, presented in **Appendix A**, is proposed.
10. The scheme consists of two kerbed central islands on the proposed access road in the vicinity of the PROW crossing with a number of bollards to physically restrict prospective residents of the site routing along the PROW when accessing/egressing the site, as demonstrated through swept path analysis. The lane widths between the kerbed central islands are proposed to be maintained at 2.75m which is sufficient to accommodate the movements of a refuse vehicle, as demonstrated through swept path analysis on drawing number SCP/210087/ATR03 Rev B, presented in **Appendix B**. It should be noted that the proposed scheme does not narrow the existing PROW at any point or restrict the existing rights of access for existing residents of the dwellings to the west of the site. This has been demonstrated through swept path analysis of a refuse vehicle on drawing number SCP/210087/SK04 Rev B, presented in **Appendix A**.
11. It should also be noted that the scheme to physically restrict movements will be complemented with appropriate signage such as 'no right/left turn' and 'Private Road' signs etc., as shown on drawing number SCP/210087/SK04.1 Rev A presented in **Appendix C**, which can be discussed and agreed at the detailed design stage in consultation with all relevant parties.
12. Prior to the proposed scheme being constructed, all construction workers and HGV drivers will not be permitted to route along the PROW, through the implementation of a Construction Traffic Management and Routing Plan. This will be communicated to all construction contractors, displayed on-site and route plans passed to all drivers / construction workers at site inductions. Drivers and construction workers will be informed that they will face disciplinary action if caught contravening.

Summary

13. In summary, physical measures to prevent development traffic from using the PROW are not considered necessary as this is anticipated to be self-enforcing, particularly when supported with appropriate signage. Notwithstanding this, the proposed Adderley Place Vehicle Discouragement Scheme will physically restrict prospective residents of the site routing along the PROW, whilst allowing the access rights for existing residents to be maintained.

S|C|P

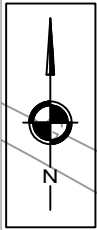
APPENDIX A



NOTES			
PHYSICAL WORKS TO BE COMPLEMENTED WITH SIGNAGE.			
4.312 0.007 0.908 2.503 0.911 Medium Sized Car Overall Length Overall Width Overall Body Height Min Body Ground Clearance Max Track Width Lock to lock time Kerb to Kerb Turning Radius 4.319m 1.686m 1.466m 0.228m 1.591m 4.00s 5.042m			
SEE DRAWING SCP/210087/SK04.1 REV A FOR SIGNAGE DETAIL			
REVISIONS			
REV	DESCRIPTION	DATE	BY
A	- UPDATES TO LAYOUT	14.02.24	OP
B	- SITE LAYOUT UNDERLAID	15.02.24	LD
S C P Transportation Planning : Infrastructure Design Colwyn Chambers, 19 York Street, Manchester, M2 3BA, Tel 0161 832 4400, www.scptransport.co.uk, Email info@scptransport.co.uk			
Client Name:			
WAINHOMES LIMITED			
Project Title:			
DINTING VALE, GLOSSOP			
Drawing Title:			
POTENTIAL PROW CROSSOVER DETAIL			
Drawn By:		Date:	
BA		05/02/2024	
Checked:		Scale:	
CT		1:250 @ A3	
Status:		Approved/Unapproved:	
PLANNING		-	
Drawing No.			Rev.
SCP/210087/SK04			B

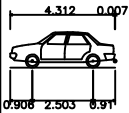
S|C|P

APPENDIX B



NOTES

PHYSICAL WORKS TO BE
COMPLIMENTED WITH SIGNAGE.



Medium Sized Car	4.319m
Overall Length	1.686m
Overall Width	1.466m
Overall Body Height	0.228m
Min Body Ground Clearance	1.591m
Max Track Width	4.00s
Lock to lock time	5.042m
Kerb to Kerb Turning Radius	

REVISIONS

REV	DESCRIPTION	DATE	BY
A	- UPDATES TO LAYOUT	14.02.24	OP
B	- SITE LAYOUT UNDERLAID	15.02.24	LD



Transportation Planning : Infrastructure Design

Colwyn Chambers, 19 York Street, Manchester, M2 3BA, Tel 0161 832 4400,
www.scptransport.co.uk, Email info@scptransport.co.uk

Client Name:

WAINHOMES LIMITED

Project Title:

DINTING VALE, GLOSSOP

Drawing Title:

SWEPT PATH ANALYSIS -
LARGE REFUSE VEHICLE

Drawn By:

BA

Date:

05/02/2024

Checked:

CT

Scale:

1:200 @ A3

Status:

PLANNING

Approved/Unapproved:

-

Drawing No.

SCP/210087/ATR03

Rev.

B

S|C|P

APPENDIX C



SIGN A



SIGN B



SIGN C

Private road

PHYSICAL WORKS TO BE COMPLEMENTED WITH SIGNAGE SIMILAR TO THE BELOW AT THE SIMMONDLEY LANE / ADDERLEY PLACE JUNCTION. SIGNAGE COULD ALSO BE BESPOKE TO SPECIFY NO ACCESS FOR RESIDENTS OR VISITORS OF THE SITE WHICH CAN BE DISCUSSED AND AGREED AT THE DETAILED DESIGN STAGE.



A	- NEW SITE LAYOUT UNDERLAID	15.02.24	LD
REV	DESCRIPTION	DATE	BY

REVISIONS	
-----------	--

S | C | P

Transportation Planning : Infrastructure Design

Colwyn Chambers, 19 York Street, Manchester, M2 3BA, Tel 0161 832 4400,
www.scptransport.co.uk. Email info@scptransport.co.uk

Client Name:

WAINHOMES LIMITED

Project Title:

DINTING VALE, GLOSSOP

Drawing Title:

POTENTIAL PROW CROSSOVER SIGNAGE DETAIL

Drawn By: OP	Date: 14/02/2024
Checked: CT	Scale: 1:250 @ A3
Status: PLANNING	Approved/Unapproved: -

Drawing No.	Rev.
SCP/210087/SK04.1	A