

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 (VIABILITY)
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
Viability Statement of Common Ground Between Wain Homes (North West) Limited
& High Peak Borough Council

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1. INTRODUCTION

SCOPE

- 1.1 This Statement of Common Ground (SoCG) regarding Viability 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 considered to outweigh the benefits of delivering this allocated housing site contrary

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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."

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2. VIABILITY

- 2.1 It is agreed that the application was accompanied by a Viability Assessment (**Document 7**) and a Non-Technical Summary of the Viability Assessment (**Document 8**). Following scheme amendments and a reduction in dwelling numbers a Viability Assessment Addendum was submitted to the Council on 23 June 2023 (**Document 202**).
- 2.2 The Appellant's viability evidence was independently assessed by consultants on behalf of the Council; namely, Bruton Knowles.
- 2.3 It is agreed that Appellant's position was that the scheme could not withstand any Planning Obligation contributions.
- 2.4 Bruton Knowles on behalf of the Council concluded that £793,000 was available for Planning Obligation contribution purposes which was reported to the Development Control Committee in the Officer's report (Sections 7.20.4, 8.1.4). It is further agreed that this figure includes bespoke mitigation at the Appellant's other land in Chinley in the Borough of High Peak.
- 2.5 Whilst the Appellant did not agree with Bruton Knowles conclusions in order to move the application forward in a positive manner and to try and secure a planning approval locally the Appellant accepted the Council's position as set out in **Document 313**.
- 2.6 The Council's Officers decided how the £793,000 available for Planning Obligations should be apportioned (Paragraph 7.20 onwards of the Development Control Committee report refers - **Document 356**). However, that apportionment was not generally in accordance with the Appellant's proposals which are set out in **Document 313** and which outlined that the Appellant wished priority ought to be given to biodiversity mitigation.
- 2.7 A draft Planning Obligation will be submitted during the course of the appeal.

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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 Appellant and HPBC.

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

Print Name:

Date:

Signed on behalf of High Peak Borough Council:

Print Name:

Date: