

Draft Statement of Common Ground

For Treville Properties Ltd | 24-115

Appeal against refusal of HPK/2023/0061 - Land to the west of Bridgemont, Whaley
Bridge, High Peak, Derbys, SK23 7PB

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1. Site and area description

- 1.1 The application site is located within the village of Bridgemont, which is approximately 1.25 km South of Furness Vale and 700 m north of Whaley Bridge. Bridgemont comprises a ribbon development along the A6 and a section of the road that has been diverted.
- 1.2 The site covers an area of circa 1 ha on the western edge of the settlement and comprises mostly grassland with some areas of dense scrub to the North and South of the site. Part of the site was previously used as a car park for the former Dog and Partridge Public House, which has been redeveloped for housing. There is an area of hardstanding at the top of the temporary access road at the North end of the site. An area to the East of the site (behind housing along Bridgemont) is enclosed for keeping animals, predominantly chickens. Tree cover on the site is minimal. The site has been used intermittently as a compound when local infrastructure works have been undertaken.
- 1.3 The site's eastern boundary is mostly defined by rear garden boundaries of existing housing along Bridgemont. The boundary extends eastwards to include the car park of the former Dog and Partridge public house, which is the location of the proposed site access.
- 1.4 The Western boundary follows the Buxton Railway Line which lies immediately west of the site, beyond a timber post and wire fence. The northern boundary of the site extends to the rear of Bridgemont Village Hall and is defined by a timber post and rail fence that wraps around a play area to the North. The south-eastern and southern boundaries are defined by an area of woodland block that lies between the site and the A5004 Buxton Road.
- 1.5 The area immediately surrounding Bridgemont is predominantly agricultural in nature. Two railway lines, the A6 dual carriageway and the Peak Forest Canal follow the valley landform in close proximity to the site and a Tesco superstore and B&M discount store are located a short distance to the Southeast on the opposite side of the A5004.

2. Planning history

2.1 In addition to the appeal application, the following applications have been made at the appeal site:

- HPK/000/6625 – Erection of 3 dwellings – refused
- HPK/0002/7703 – Residential development – refused 18/04/1989
- HPK/2015/0324 – Erection of 2 dwellings – refused 22/04/2015 – appeal dismissed 22/07/2016
- HPK/2015/0324 – Change of use to car sales – refused 11/08/2015 – appeal dismissed 22/07/2016
- HPK/2015/0486 – Detached dwelling (land adjacent to 52 Bridgemont) – refused 22/10/2015, appeal dismissed 19/05/16
- HPK/2020/0180 - Outline planning application for erection of 46 no. affordable dwellings with access considered and all other matters reserved – refused 14/02/2022

3. Planning policy

National guidance

- 3.1 The National Planning Policy Framework and Planning Practice Guidance are material considerations of relevance to the appeal application.

Development plan

- 3.2 The development plan for the site comprises the High Peak Local Plan (HPLP adopted 2016) and the Whaley Bridge Neighbourhood Plan 2022-2032.
- 3.3 The proposals map shows the site as being located within the open countryside and Green Belt. It is outside of but near to the built up boundary of Whaley Bridge.
- 3.4 The following policies of the High Peak Local Plan (adopted 2016) 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 4: Green Belt Development;
- Policy EQ 5: Biodiversity;
- Policy EQ 6: Design and Place Making;
- 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 H 5: Rural Exceptions Sites;
- 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

3.5 The following policies of the Whaley Bridge Neighbourhood Plan (2022-2032) are relevant:

- WB-G3 – Residential Development
- WB-E1 – Sustainable Design
- WB-E2 – Minor Villages and Rural Settlements
- WB-E3 – Natural Environment
- WB-E4 – Rural and Landscape Character
- WB-T1 – Transport and Movement
- WB-T2 – Active Travel

Supplementary planning guidance

3.6 The following supplementary planning guidance is relevant:

- Landscape Character SPG (2006)
- Residential Design Guide SPD (2005)
- High Peak Design Guide SPD (2018)
- Developer Contributions SPD (2023)

4. Agreed Matters

The proposed development

- 4.1 The application seeks outline planning permission for a residential scheme comprising up to 42 affordable dwellings. The proposal is for 100% affordable provision. All matters save for access into the site are reserved subsequent approval through a future reserved matters application. The development would be served from a new access point from the carpark of the former Dog and Partridge Public House, adjacent to no. 32 Buxton Road.
- 4.2 The decision on the application has been taken on the basis of the following documents (superseded documents are omitted):

Drawings

- Site and Location Plan (ref: 311106-01-P3)
- Proposed site access plan (TADW drawing no. 46934004 P06);
- 311106 06 P1 Indicative Typical Block Plans and Elevations;
- Indicative site plan option 2 (by TADW, ref. 311106-03-P3) submitted 7.07.23
- Indicative site sections (by TADW, ref. 311106-07-P3) submitted 7.07.23
- Proposed visibility splays and access dimensions (by SCP ref. SCP/200341/F03 Rev D) submitted 5.12.23

Other documents and supporting information

- Application forms and certificates;
- Phase 1 Site Investigation (Peak Environmental Solutions, April 2020);
- Preliminary Ecological Survey (NLG Ecology, January 2023);
- BNG Technical Note (Baker Consultants, January 2023);
- Planning, Design and Access Statement (Emery Planning, February 2023)
- Housing need study (Emery Planning, February 2023);
- Draft Section 106 heads of terms (Emery Planning, February 2023);
- Coal Mining Risk Assessment by Peak Environmental Services dated June 2020 (ref: 42056R2 Rev A);

- Arboricultural Report by Thompson Tree Services dated January 2023, including: Tree Protection Plan, Tree Removal and Retention Plan, Tree Schedule, Tree Schedule Key;
- Flood risk and drainage report (HBL Associates, updated January 2023);
- Landscape and Visual Impact Assessment (Baseline) ref. M3645-PA-DOC-01-V01 (Barnes Walker)
- Landscape and Visual Impact Assessment - Volume 2 (by Barnes Walker, Ref: M3645-PA-DOC-01-V02, April 2023) submitted 17.04.23
- Letter addressing Housing Officer comments (by Emery Planning) submitted 16.06.23
- Updated Transport Assessment by SCP, June 2023) submitted 28.06.23
- Noise and Vibration Assessment (by AEC, January 2020) submitted 7.07.23
- Updated Travel Plan (by SCP, September 2023) submitted 19.10.23
- Indicative Biodiversity Metric 4.0 calculation submitted 31.10.23
- Technical Note: Surface water outfall route (by HBL ref. 9097/TN/2023/12/07 A) – submitted 8.12.23
- Notes on Landscape consultee comments – by Barnes Walker – submitted 8.12.23
- Letter to Development Control Committee Members – submitted 8.12.23
- Notes on PDNPA consultee comments – by Barnes Walker – submitted 8.12.23
- Landscape and visual effects comparison table – by Barnes Walker – submitted 8.12.23
- Viewpoints document by Barnes Walker – 8.12.23

Compliance with planning policy

4.3 It is agreed that the following matters have been adequately addressed (given the outline nature of the application) and that the application satisfies relevant local and national planning policies in relation to the following considerations:

- Flood risk and drainage
- Nature conservation
- Trees
- Residential amenity
- Noise
- Accessibility
- Highway safety
- Contamination

Benefits of the development

- 4.4 It is agreed that the provision of affordable housing would be a significant benefit and is a material consideration when determining the application.
- 4.5 The Town Council acknowledges the need for the development and supports the application.
- 4.6 The following are also accepted as benefits associated with the development:
- Job creation during the construction phase
 - Increasing local spending
 - Increased support for local businesses, services and facilities
 - New homes bonus and council tax revenue
 - The provision of new housing to meet an identified local need
 - A range of household types and a proportion of new housing suitable for newly forming households
 - Making efficient use of land that has no beneficial use
 - Provision of homes in a sustainable and accessible location
 - The provision of enhanced links to local cycle routes
 - Enhancement of landscape features on the site
 - Meeting requirements for biodiversity net gain
 - Securing an appropriate drainage strategy that properly addresses the long term drainage of the site.

Green Belt

- 4.7 If the development proposals are accepted to comprise limited affordable housing for local community needs under policies set out in the development plan, then the application would be for a form of development that is not inappropriate in the Green Belt.
- 4.8 Where development falls within paragraph 154(f) of the Framework, there is no requirement for an assessment of impacts on openness and Green Belt purposes.

Housing Needs

- 4.9 The proposed development is for 100% affordable housing. As this is an outline application, the type and tenure of affordable housing falls to be considered at the reserved matters stage.

- 4.10 There is an unmet need for affordable housing across High Peak and an unmet need for affordable housing within the Central Area of High Peak.

Landscape

- 4.11 The PDNPA (and LPA) agree with the value attributed to the landscape character areas within the LVIA.
- 4.12 The Council/AC are satisfied with the landscape receptors identified and assessed within the LVIA.
- 4.13 The council's landscape consultee (AC) agrees with the appellant's LVIA findings for 14 of the 24 Viewpoints in the original assessment.
- 4.14 With regard to landscape impacts, the LVIA assessed the landscape effect upon the relevant 3 character receptors as 'Negligible'. The LPA/AC do not disagree with this finding.

5. Matters that are not agreed

Green Belt

- 5.1 The appellant's case is that the proposed development is not inappropriate within the Green Belt as it falls within the definition of paragraph 154(f) of the Framework and complies with Local Plan Policy H5.
- 5.2 The LPA considers it comprises inappropriate development.

Housing Need

- 5.3 There is disagreement between the parties as to whether there is an unmet need for affordable housing within Whaley Bridge and on the wider level of unmet need for affordable housing within High Peak and the local area (final position of the parties to be set out).

Landscape

- 5.4 The case for the appellant is that the proposed development complies with the requirements of S1, S6, EQ2, EQ3 and EQ6 of the Adopted High Peak Local Plan 2016, the NPPF and the Council's Landscape Character SPD. The appellant considers that it would not result in unacceptable adverse landscape or visual effects. The LPA disagrees.
- 5.5 The appellant considers that with appropriate landscaping, the development will result in beneficial effects upon the landscape features of the site. The LPA disagrees and considers there would be a moderate adverse impact on the landscape features of the site.
- 5.6 The case for the appellant is that the development would not have an unacceptable effect on the Peak District National Park or its Setting. The LPA disagrees.
- 5.7 With regard to the assessment of visual effects in the appellant's LVIA, the difference of opinion between the parties can be summarised as follows:
- For 3 Viewpoints Barnes Walker assess Negligible, whereas AC assesses Negligible/Minor Adverse;
 - For 4 Viewpoints Barnes Walker assess Negligible, whereas AC assesses Minor Adverse
 - For 2 Viewpoints Barnes Walker assess Minor/Moderate Adverse, whereas AC assesses
 - Moderate Adverse;

- For 1 Viewpoint Barnes Walker assess Negligible/Minor Adverse, whereas AC assesses Minor
- Adverse.

6. Section 106

6.1 Draft to be prepared in advance of the inquiry. Subject to clear confirmation of the needs to be addressed through an appropriate CIL compliance statement, the heads of terms as follows:

- 100% on site affordable housing in a mix of tenures as established as meeting the identified needs
- Financial contribution towards play areas
- Financial contribution towards parks and gardens
- Financial contribution outdoor sports
- Offsite ecology compensation/biodiversity net gain
- Financial contributions for the improvement of public transport facilities on the A5004 and upgrading of the pedestrian crossing on the Buxton Road
- Future management and maintenance of site access roads
- Travel Plan Monitoring fee
- Any other contribution requested by the LPA which meets the tests of CIL Regulations (as amended)

7. Suggested Conditions

7.1 TBC

Signed on behalf of the appellant:

..... Position..... Date.....

Signed on behalf of local planning authority:

..... Position..... Date.....