



Planning Statement of Common Ground

Proposed Residential Development
Mirrlees Fields, Stockport

MAN Energy Solutions UK Limited and Stockport
Metropolitan Borough Council

October 2023

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APPENDICES

APPENDIX 1 – List of Plans

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1 INTRODUCTION

- 1.1 This Statement of Common Ground (“SoCG”) has been prepared in respect of an appeal by MAN Energy Solutions UK Limited (“the Appellant”) against Stockport Metropolitan Borough Council’s (“the Council’s”) decision to refuse outline planning permission (Application Reference: DC/081719) for a residential development for up to 200 dwellings, with associated landscaping, site infrastructure and the provision of new public open space at Mirrlees Fields, Stockport (“the Appeal Site”) (“the Planning Application”).
- 1.2 The Planning Application was recommended for approval by the Council’s Planning Officers subject to the completion of an agreement pursuant to section 106 of the Town and Country Planning Act 1990.
- 1.3 The Planning Application was determined by the Council’s Planning and Highways Regulation Committee at its meeting on 15th December 2022. Contrary to the Council’s Planning Officer’s advice, the Planning Application was refused by Members. The Council published the decision notice refusing planning permission on 27th January 2023.
- 1.4 This SoCG deals with planning matters and details areas of agreement and disagreement between the Appellant and the Council to help the inquiry focus on the key issues.
- 1.5 Separate SoCG’s dealing with relevant technical matters have been prepared and discussed with the Council and relate to:
 1. Open Space, Townscape and Visual;
 2. Housing Land Supply;
 3. Affordable Housing;
 4. Social Infrastructures;
 5. Highways;
 6. Ecology;
 7. Trees; and,
 8. Design.

2 THE APPEAL SITE

2.1 The Appellant and the Council agree that:

The Appeal Site

- 2.2 The Appeal Site extends to approximately 26.88 hectares (“ha”) and comprises an irregular shaped parcel of land known as Mirrlees Fields, which is privately owned by the Appellant (a very small portion, at the western boundary is not owned by the applicant and is unregistered land); this is acknowledged at the beginning of the Officer’s Report to the Planning and Highways Regulation Committee on 15th December 2022 (hereafter referred to as ‘The Officer’s Report’ / **CD3.1**)¹. There is currently no formal vehicular access to the Appeal Site.
- 2.3 As defined by the Local Plan proposals map (**CD4.13, CD4.14 and CD4.15**), the majority of the Appeal Site is allocated as Strategic Open Space (Policy UOS1.2) and a Green Chain (Policy NE3.1). The Local Plan proposals map does not allocate the Appeal Site under a Core Strategy policy reference as the proposals map pre-dates the Core Strategy. However, the Core Strategy Glossary provides a definition of ‘Strategic Open Space’ and the relevant policy relating to ‘Strategic Open Space’ is CS8 ‘Safeguarding and Improving the Environment’.
- 2.4 The remaining part of the Appeal Site, comprising Mirrlees Drive, is located outside of the Strategic Open Space and Green Chain designations and is within the adjacent ‘Land off Bramhall Moor Lane’ Employment Area (Policies E3.1 and E3.2). Mirrlees Drive forms the principal means of access to the Development and, as it is already an existing access, it is agreed that Policies E3.1 and E3.2 of the UDP are not relevant to the appeal.
- 2.5 The formal recreational use of the Appeal Site by employees of the Appellant continued until 1986 and has been abandoned. The Officer’s Report states that, *“On taking legal advice the Council is satisfied that, in Planning terms, the formal recreational use of the site has been abandoned”*².
- 2.6 Footpaths 124, 126 and 127 cross the Appeal Site. There is currently no legal public access to it aside from the defined route of the footpaths. Following refusal of the planning application, the Appeal Site has been fenced off by the Appellant to prevent

¹ The Officer’s Report to the Planning and Highways Regulation Committee (**CD3.1**), page 3.

² *ibid.*

public access other than by people using the linear route of the footpaths. The Officer's Report states that the Appeal Site is in private ownership³, and it is agreed that there is a permitted development right to erect a 2m fence around the perimeter of the Appellant's private ownership.

- 2.7 Trees along the western and northern boundaries and in the south-eastern area of the Appeal Site are covered by two area Tree Preservation Orders ("TPOs").
- 2.8 There are no buildings or structures located within the Appeal Site boundary, aside from a small hut associated with the fishing pond and a telephone mast located in the northern-most corner.
- 2.9 The Appeal Site is not located within a Conservation Area and there are no listed buildings within or in close proximity to the Appeal Site boundary. The Appeal Site is not subject to any statutory national or international designations, and it is not a Site of Biological Importance ("SBI").
- 2.10 To the south-west of the Appeal Site is a railway line, beyond which is established residential development and Bramhall Moor Technology Park. Adjacent to the south-east of the Appeal Site are the Appellant's offices and warehouses, beyond which is a new residential development known as Hampton Wood. Further south, beyond Hampton Wood, is Rhino Court, a small office development.
- 2.11 The Appeal Site is bound to the north by residential development and Woodsmoor Station. A railway line runs adjacent to the north-east of the Appeal Site, beyond which is Stepping Hill Hospital.
- 2.12 To the west of the Appeal Site are allotments, beyond which is Woodsmoor, an established residential neighbourhood including a railway station connecting the Appeal Site to Stockport, Manchester City Centre and beyond.

Location of the Appeal Site

- 2.13 The Appellant and the Council have agreed a separate Highways SoCG which addresses highways matters including the Appeal Site's accessibility.

³ *ibid.*, pages 1, 3, 122, 126, 132 and 136.

3 THE PLANNING APPLICATION

3.1 The Appellant and the Council agree that:

3.2 The Appellant submitted the outline planning application for a residential development for up to 200 dwellings, with associated landscaping, site infrastructure and the provision of new public open space at the Appeal Site on 29th June 2021. The Planning Application was given application reference DC/081719 and had the following description of development:

“Outline planning application with all matters reserved proposing the erection of a residential development for up to 200 dwellings, with associated landscaping, site infrastructure and the provision of new public open space.”⁴

Pre-Application Consultation

3.3 Prior to the submission of the Planning Application, the Appellant carried out extensive pre-application consultation with the Council, the local community and key stakeholders. The pre-application consultation included:

Pre-application Consultation with the Council

1. A formal pre-application meeting with the Council on 10th December 2020, following a request for a formal pre-application meeting having been submitted to the Council on 6th August 2020. During the pre-application meeting, the Council requested that the density of the proposed development was increased from 150 dwellings to 200 dwellings.

Pre-application Consultation with Other Stakeholders undertaken by the Appellant

2. A letter to Mirrlees Fields Friends Group (“MFFG”) on 27th May 2020.
3. A video briefing with MFFG on 17th June 2020.
4. Letters to Stepping Hill Ward Members on 18th June 2020.
5. A video briefing with Stepping Hill Ward Councillors and members of MFFG on 23rd June 2020.

⁴ Application form (C / D Ref 22), page 1.

6. Letters to neighbouring Ward Members, the NHS Trust, Cheshire Wildlife Trust and MPs on 28th June 2020.
7. Letter to Mary Robinson MP and Bramhall North Ward Members on 14th July 2020.
8. An informal pre-application briefing with the Council's Planning Officers on 30th July 2020.
9. A video briefing with Cheshire Wildlife Trust on 31st July 2020.
10. A Media Release/article in the Manchester Evening News and a Media Release/article in Place North West were published on 9th September 2020.
11. A follow-up video briefing with MFFG on 9th September 2020.
12. Public consultation between 15th September 2020 and 13th November 2020. 5,196 resident and business addresses received an A5 resident notice via Royal Mail distribution, which provided details of the Appeal Site's location, the proposals, the consultation webpage, and the consultation email, telephone and freepost address. The distribution area is shown in the Statement of Community Involvement (August 2021) (**CD1.66**), The consultation was based on the draft proposals for 150 dwellings. Following this, the Council requested that the number of units be increased to 200, and the planning application was submitted on this basis.
13. A Media Release/article in the Manchester Evening News and a Media Release/article in Place North West were published and social media adverts/posts were placed on Instagram, Twitter, and Facebook on 17th September 2020.
14. A letter and fact sheet sent on 13th October to elected members of the Council to address misleading information being circulated by third parties about the plans to local residents.
15. A follow-up video briefing with MFFG on 5th November 2020.
16. A Media Release was sent to Manchester Evening News, Place North West, Marketing Stockport on 21st May 2021 and articles published relating to the agreement with the Land Trust and the Appellant.
17. Letter to all stakeholders to advise of submission of the Planning Application on 28th June 2021.

18. Letter to members of Stepping Hill Area Committee on 29th November 2022 providing an update on the proposed Development.
19. Letter to the Council's Planning and Highways Committee members on 8th December 2022 providing an update and clarification on the proposed Development.

The Council's Decision

- 3.4 The Planning Application was recommended for approval by the Council's Planning Officers subject to the completion of an agreement pursuant to section 106 of the Town and Country Planning Act 1990.
- 3.5 The Council's Planning Officers presented the Planning Application to two of the Council's Committees, as follows:
 1. The Stepping Hill Area Committee on 29th November 2022; and,
 2. The Planning and Highways Regulation Committee on 15th December 2022.
- 3.6 The Stepping Hill Area Committee represents the wards of Hazel Grove, Offerton and Stepping Hill. The Area Committee provided comment on the application, but the application was determined by the Planning and Highways Regulation Committee.
- 3.7 Two Committee Reports were prepared, one for the Area Committee and one for the Planning and Highways Regulation Committee (**CD3.1 and CD3.2**). The only difference in the Committee Reports is that the Planning and Highways Regulation Committee includes an update following the 29th November Stepping Hill Area Committee, which sets out a summary of the proceedings at the Area Committee.
- 3.8 Both Officer's Reports recorded the consultation responses from consultee organisations. All consultee organisations raised no objections to the proposed development. The consultation responses are summarised below:
 1. **Arboricultural Officer** – No objection.
 2. **Conservation and Heritage Team** – No objection.
 3. **Director of Public Health** – No objection.
 4. **Drainage Engineer** – No objection, subject to detailed design in accordance/compliance with the submitted outline drainage strategy.

5. **Education** – No objection, subject to financial contributions.
6. **Environment Agency** – No objection, subject to conditions.
7. **Environmental Health (Air Quality)** – No objection, subject to conditions.
8. **Environmental Health (Contaminated Land)** – No objection, subject to conditions.
9. **Environmental Health (Public Protection)** – No objection, subject to conditions.
10. **Greater Manchester Archaeological Advisory Service** – No objection.
11. **Greater Manchester Ecology Unit** – No objection.
12. **Greater Manchester Police** – No objection, subject to the layout issues within Section 3.2 of the preliminary Crime Impact Statement being addressed and recommendation that, when full planning permission is sought for the layout and design of the development, a full Crime Impact Statement is submitted.
13. **Highway Engineer** – No objection, subject to conditions and the Appellant entering into a Section 106 Agreement.
14. **Manchester Airport** – No objection, subject to conditions.
15. **Nature Development Officer** – No objection, subject to conditions.
16. **Network Rail** – No objection, subject to conditions.
17. **Planning Policy (Energy)** – No objection.
18. **Planning Policy (Housing)** – No objection.
19. **Planning Policy (Open Space)** – Advised conflict with paragraph 99 NPPF and Local Plan Policies CS8 and UOS1.2. No objection.
20. **Play and Infrastructure Officer** – No objection.
21. **Public Rights of Way Unit** – No objection.
22. **Strategic Housing Lead** – No objection.
23. **Transport for Greater Manchester** – No objection, subject to condition.
24. **United Utilities** – No objection, subject to condition

- 3.9 The Application was refused by the Council's Planning and Highways Regulation Committee at its meeting on 15th December 2022 and Members refused the application on the grounds of the following single reason for refusal:

"1. The application is contrary to saved Policies UOS1.2 'Protection of Strategic Open Space' and NE3.1 'Protection and Enhancement of Green Chains' of the Stockport UDP Review, Policy CS8 'SAFEGUARDING AND IMPROVING THE ENVIRONMENT' of the Stockport Core Strategy DPD, and paragraph 99 of the National Planning Policy Framework. The adverse impacts of the granting the development, resulting in the loss of a large area of high quality Strategic Open and natural green space in an area of open space deficiency, would significantly and demonstrably outweigh the benefits proposed by the development, when assessed against relevant policies of the adopted development plan and the NPPF when taken as a whole."

4 THE APPEAL PROPOSALS

- 4.1 The Appellant and the Council agree that:
- 4.2 The Appeal Scheme proposes the erection of up to 200 dwellings, with associated landscaping, site infrastructure and the provision of new public open space. Of the 200 dwellings proposed, 50% will be provided as 'Affordable Housing', as defined within the glossary contained within the Statement of Case. The affordable requirements would be secured as part of a legal agreement.
- 4.3 The Appeal Scheme will have an approximate density of 45 dwellings per hectare ("dph"). The Officer's Report confirms that, *"200 houses at 45dph is acceptable in this instance"*⁵. It is, therefore, agreed that this density is acceptable.

Housing Area

- 4.4 The proposed Housing Area and access road extends to 5.17ha (19.25% of the total site) and is situated in the south-western part of the Appeal Site. A Land Use and Building Heights Parameter Plan ('the Parameter Plan') (**CD1.10**) was submitted as part of the Planning Application. It is agreed that, in the event planning permission is granted, a condition should be imposed on the planning permission which requires that reserved matters must accord with the Parameter Plan.
- 4.5 The proposed residential development may accommodate buildings of up to 3-storeys in height. As shown on the Parameter Plan, any 3-storey development would be concentrated adjacent to the Appellant's existing headquarters. The lowest building heights (up to 2-storeys) would be accommodated adjacent to the proposed area of publicly accessible open space. 2-2.5 storey dwellings would be located across the remainder of the Appeal Site.
- 4.6 Primary vehicular access to the residential development would be via an extension of Mirrlees Drive utilising the Appellant's existing access road to its headquarters. This route would be offered up for adoption, should the Council require this. It is agreed that subject to further development and detailed design it will be possible to improve and extend Mirrlees Drive in order to provide an access road that enables the development to be accessed in a safe and practical manner by vehicles, pedestrians and cyclists. It is also agreed that a £7,500.00 payment will be necessary from the Appellant to fund the cost of

⁵ The Officer's Report to the Planning and Highways Regulation Committee (**CD3.1**), page 140.

providing parking restrictions on Mirrlees Drive, to be covered by a s106 Agreement. Furthermore, it is agreed that a suitable emergency access can be provided subject to detailed design.

- 4.7 An emergency access would be provided onto Flowery Field and it is agreed that a £9,500 payment will be necessary to fund a traffic regulation order to control the use of the emergency access from Flowery Field and to manage on street parking.
- 4.8 The appearance and landscaping of the proposed Development will be determined at reserved matters stage. However, as part of the Planning Application, an Outline Landscape and Ecology Management Plan (“OLEMP”) (**CD1.59**) was submitted to the Council, which sets the principles that will guide the landscaping strategy for the Development. Furthermore, a Design Code (**CD1.40**) was submitted alongside the Application, which presented a series of site-wide and neighbourhood design principles. It is agreed that it will be necessary to impose planning conditions to ensure that if the application is granted the future development of the site accords with these documents. This matter will be resolved via the process of agreeing conditions.
- 4.9 It is agreed that there is an ongoing need for all types and sizes of dwellings, with the strongest need in the borough for 3 bedroom and 4 or more bedroom houses. It is also agreed that within this area there is an insufficient supply of 1 and 2 bedroomed properties. The Officer’s Report states that,

“The Housing Needs Assessment (2019) (HNA) notes that ‘there is an ongoing need for all types and sizes of dwelling with strongest need for 3-bedroom and 4 or more bedroom houses.’ The HNA also indicates that within this specific township (Hazel Grove, Davenport (East), Heaviley, Offerton (West)), there is an insufficient supply of 1 and 2 bedroomed properties. Given this, a mix of proposed housing which has regard to the findings of the most recent HNA would be sought in any subsequent Reserved Matters application. The Design Code, that would be a condition of the planning approval if the application is granted, stipulates that the development will have a full range of dwelling sizes to meet the requirements of Stockport Council’s latest HNA.”⁶

⁶ *ibid.*, page 141.

- 4.10 Separate Statements of Common Ground deal with matters relating to Affordable Housing and the Council's 5-Year Housing Land Supply Position.

Public Open Space Area

- 4.11 Subject to an appropriate section 106 obligation being entered into, it is proposed that if the Appeal is allowed, the proposed Development will provide for the ownership of the Informal Open Space (18.3ha) to subsequently be transferred to the Land Trust and to become publicly accessible open space that is maintained and made available for public and recreational use and managed by The Land Trust in perpetuity. The Appellant proposes to make an endowment payment of £1,537,278 to the Land Trust through a planning obligation associated with the application to fully fund the on-going management and maintenance of this public open space).
- 4.12 The Public Open Space Area is shown on the Parameter Plan (**CD1.10**).

5 PLANNING POLICY

5.1 The Appellant and the Council agree that:

The Development Plan

5.2 The Development Plan comprises the Core Strategy Development Plan Document (adopted March 2011) (**CD4.2**) and Saved Policies of the 2006 Stockport Unitary Development Plan Review ('UDP') (**CD4.21**).

5.3 As defined by the Local Plan proposals map (**CD4.13, CD4.14, CD4.15**), the majority of the Appeal Site is allocated as Strategic Open Space (Policy UOS1.2) and a Green Chain (Policy NE3.1). The remaining part of the Appeal Site, comprising Mirrlees Drive, is located outside of the Strategic Open Space and Green Chain designations and is within the adjacent 'Land off Bramhall Moor Lane' Employment Area Employment Area (Policies E3.1 and E3.2). Mirrlees Drive forms the principal means of access to the Development and, as it is already an existing access, it is agreed that Policies E3.1 and E3.2 of the UDP are not relevant to the appeal.

5.4 It is agreed that the relevant policies for this Appeal are:

Core Strategy

1. Policy CS1 (Overarching Principles: Sustainable Development - Addressing Inequalities and Climate Change)
2. Policy CS2 (Housing Provision)
3. Policy CS3 (Mix of Housing)
4. Policy CS4 (Distribution of Housing)
5. Policy CS8 (Safeguarding and Improving the Environment)
6. Policy CS9 (Transport and Development)
7. Policy CS10 (An Effective and Sustainable Transport Network)
8. Policy SD-1 (Creating Sustainable Communities)
9. Policy SD-3 (Delivering the Energy Opportunities Plans - New Development)
10. Policy SD-6 (Adapting to the Impacts of Climate Change)

11. Policy H-1 (Design of Residential Development)
12. Policy H-2 (Housing Phasing)
13. Policy H-3 (Affordable Housing)
14. Policy SIE-1 (Quality Places)
15. Policy SIE-2 (Provision of Recreation and Amenity Open Space in New Developments)
16. Policy SIE-3 (Protecting, Safeguarding and Enhancing the Environment)
17. Policy T-1 (Transport and Development)
18. Policy T-2 (Parking in Developments)
19. Policy T-3 (Safety and Capacity on the Highway Network)

- 5.5 It is agreed that, subject to the imposition of conditions and an appropriate legal agreement, the Development would not conflict with the policies of the Core Strategy listed at paragraph 5.4 above save for Policy CS8 (Safeguarding and Improving the Environment).
- 5.6 The Council and the Appellant agree that the parts of Policy CS8 which are relevant to the reason for refusal are paragraphs 3.290-292.
- 5.7 The Appellant and the Council agree that the relevant parts⁷ of Policies CS2, CS4 and H-2 are out of date, and that these policies should be afforded very limited weight in the determination of the Appeal.

Saved Stockport UDP Review

1. Policy NE3.1 (Protection and Enhancement of Green Chains)
2. Policy UOS1.2 (Protection of Strategic Open Space)
3. Policy L1.2 (Children's Play)
4. Policy EP1.7 (Development and Flood Risk)

⁷ For CS2 the relevant parts are Core Strategy paragraphs 3.84 and 3.85. For CS4 the relevant parts are Core Strategy paragraphs 3.104 to 3.109 (inclusive). For H-2 the relevant parts are Core Strategy paragraphs 3.115 to 3.118 (inclusive).

5.8 It is agreed that the above policies are of relevance to the determination of the Appeal, as are UDP Policies L1.7, L1.8, and, L1.9 It is also agreed that subject to conditions and an appropriate legal agreement the development would accord with the policies of the Saved UDP listed at paragraph 5.7 save for Policy UOS1.2 (Protection of Strategic Open Space) and Policy NE3.1 (Protection and Enhancement of Green Chains).

National Planning Policy and Guidance

5.9 It is agreed that the National planning policy and guidance relevant to this Appeal is set out in:

1. National Planning Policy Framework (“NPPF”); and,
2. National Planning Policy Guidance (“NPPG”).

National Planning Policy Framework

5.10 The NPPF was updated on 5 September 2023 and sets out the Government’s planning policies and guidance and how these are to be applied. The NPPF is a material consideration in the determination of the Appeal.

5.11 It is agreed that the paragraphs of the NPPF that are of most relevance to this appeal are:

1. Paragraph 11;
2. Paragraph 74;
3. Paragraph 76; and,
4. Paragraph 99.

5.12 The following paragraphs of the NPPF are also relevant to this appeal: 1, 2, 7, 8, 11, 12, 38, 39, 47, 48, 55, 56, 57, 60, 61, 62, 63, 65, 68, 74, 75, 76, 92, 93, 95, 98, 99, 100, 104, 105, 106, 110, 111, 112, 113, 119, 122, 124, 125, 126, 130, 131, 134, 152, 154, 157, 159, 162, 167, 169, 174, 180, 183, 184, 185, 186, 188, 194, 218, 219, 222.

National Planning Practice Guidance

5.13 It is agreed that the paragraphs of the NPPF that are of most relevance to this appeal are:

Open space, sports and recreation facilities, public rights of way and local green space

- 5.14 The NPPG (Paragraph: 001 Reference ID: 37-001-20140306) states that, *“Open space should be taken into account in planning for new development and considering proposals that may affect existing open space...”*
- 5.15 The NPPG (Paragraph: 004 Reference ID: 37-004-20140306) states that, *“Public rights of way form an important component of sustainable transport links and should be protected or enhanced.”*

Housing supply and delivery

- 5.16 The NPPG (Paragraph: 008 Reference ID: 68-008-20190722) emphasises that, *“In decision-taking, if an authority cannot demonstrate a 5 year housing land supply, including any appropriate buffer, the presumption in favour of sustainable development will apply, as set out in paragraph 11d of the National Planning Policy Framework.”*

Housing needs of different groups

- 5.17 The NPPG (Paragraph 005 Reference ID: 67-005-20190722) states that, *“All households whose needs are not met by the market and which are eligible for one or more of the types of affordable housing set out in the definition of affordable housing in Annex 2 of the National Planning Policy Framework are considered to be in affordable housing need.”*
- 5.18 The NPPG (Paragraph: 001 Reference ID: 70-001-20210524) states that, *“First Homes are a specific kind of discounted market sale housing and should be considered to meet the definition of ‘affordable housing’ for planning purposes... First Homes are the government’s preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations.”*

Design: process and tools

- 5.19 Regarding Design Codes, the NPPG (Paragraph: 008 Reference ID: 26-008-20191001) states that, *“Design codes are a set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area. The graphic and written components of the code should build upon a design vision, such as a masterplan or other design and development framework for a site or area.”*
- 5.20 With regard to parameter plans, the NPPG (Paragraph: 011 Reference ID: 26-011-20191001) states that, *“Parameter plans can include information on the proposed land use, building heights, areas of potential built development, structure of landscape and green*

infrastructure, access and movement and other key structuring and place-making components”.

Emerging Stockport Local Plan

- 5.21 Following Stockport’s decision to not proceed with the GMSF, the Council met on 15th July 2021 and agreed to pursue a refreshed approach to developing a Local Plan for Stockport.
- 5.22 Following the publication of the Written Ministerial Statement on 6th December 2022 (**CD4.33**), which proposed changes to the planning system, Stockport Council released a statement (dated 16th December 2022) to explain that the Council would be deferring the consultation on its draft Local Plan owing to the Written Ministerial Statement awaiting further clarification from the Government in respect of the NPPF and the plan-making system. It is agreed that no revised timetable has been published to date.
- 5.23 Regarding the emerging Local Plan, the Officer’s Report states that,

“Members are aware that the Council is currently in the process of working towards a consultation on a draft Local Plan in early 2023. When adopted it will include a new housing target for Stockport, but until this plan progresses no weight can be given to any potential emerging figure.”⁸

- 5.24 The Appellant and the Council agree that, in accordance with paragraph 48 of the NPPF, no weight should be attributed to the emerging Local Plan because of its very early stage of preparation and because at the time of writing it has not been through any form of examination by an Independent Inspector.

Matters of disagreement

- 5.25 Should it be helpful to the Planning Inspector, the Appellant and the Council can set out matters of disagreement in policy terms once the Proof of Evidence have been exchanged.

⁸ *ibid.*, page 139

6 PLANNING MATTERS

6.1 The Appellant and the Council agree that:

Presumption in Favour of Sustainable Development

6.2 Stockport's Development Plan does not allocate the Appeal Site as Local Green Space. The Appellant and SMBC agree that Paragraph 11(d)(i) of the NPPF does not apply. This is confirmed by the Officer's Report, which states that, "*The application site is not classed in the Framework as an area or asset of particular importance, therefore criterion 11d)i is not relevant*".⁹

6.3 It is agreed that the relevant parts of Stockport's housing policies (CS2, CS4 and H-2) are out of date.

6.4 The Appellant and the Council agree that the presumption in favour of sustainable development is engaged (as per NPPF paragraph 11 and footnote 8) because the relevant parts of those policies that are most important for determining the Appeal Scheme are out of date or not fully consistent with the relevant NPPF policies and because the Council cannot demonstrate a delivery 5 year supply of housing. The Officer's Report confirms that,

*"...as the application is for housing and the LPA currently has a 3.2 years housing land supply, paragraph 11d)ii is relevant. The policies which are most important for determining the application are out-of-date. This material consideration 'tilts' the balancing exercise for this application, from being neutral to one where the application should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole."*¹⁰

6.5 The Appellant and the Council agree that the Appeal Scheme will deliver the following:

Social Benefits

6.6 The Appellant and the Council agree that subject to planning conditions and an appropriate legal agreement the Appeal Scheme would:

⁹ *ibid.*, page 133

¹⁰ *ibid.*

1. Enable approximately 21.71ha of private land to be made available for public and recreational use (18.30ha of Informal Public Open Space and 3.41ha of Residential Amenity Public Open Space). Secure the transfer of 18.30ha of land to The Land Trust to manage and maintain the remaining land at Mirrlees Fields for use as open space in perpetuity for use by both the new residents and existing community. The Officer's Report states that,

*"...it is accepted that future secured public access to 18.30ha of informal public open space, and 3.41ha of formal amenity open space within the housing development, is a benefit of the scheme."*¹¹

2. Provide affordable housing in accordance with Stockport's policy requirement of 50%, as set out Core Strategy Policy H-3, which will make an important contribution (up to 100 affordable dwellings) to addressing the Borough's acute need for affordable housing and the significant shortfall in the delivery of affordable housing in Stockport. The Officer's Report states that,

*"The delivery of 50% affordable provision will go towards meeting the considerable affordable housing need that exists in the borough."*¹²; and,

*"It is accepted that the impact of the development relating to affordability is positive."*¹³

3. Deliver a housing proposal providing a choice and mix of housing in a sustainable location with good access to jobs, services and facilities. The Officer's Report states that, *"...it is accepted that the overall impact relating to accessibility and travel is positive"*¹⁴;

4. Deliver housing (up to 100 open market homes and up to 100 affordable homes) which would make a significant contribution towards the Council's housing land supply. The Officer's Report states that,

*"Stockport does not currently have sufficient land to meet and maintain a five-year supply position, whether that is on brownfield or greenfield land."*¹⁵;

¹¹ *ibid.*, page 136.

¹² *ibid.*, page 139.

¹³ *ibid.*, page 169.

¹⁴ *ibid.*, page 171.

¹⁵ *ibid.*, page 139.

“...to meet the Council’s identified housing need it is inevitable that some greenfield land in the urban area will have to be regarded as a necessary location to deliver housing. This position is recognised in the Core Strategy.”¹⁶; and,

“...the provision of up to 200 houses to meet an identified need, including 50% affordable homes when there are insufficient available and deliverable housing sites in Stockport to meet and maintain a five-year supply position, is a significant benefit.”¹⁷.

Economic Benefits

6.7 It is agreed by the Appellant and the Council that the Appeal Scheme will:

1. Create a sustainable funding model for the Informal Public Open Space. In order to facilitate this, a one-off commuted sum payment of £1,537,278 would be made by the Landowner to The Land Trust to manage and fully maintain the Informal Public Open Space in perpetuity.
2. Support temporary jobs on-site and in the wider economy per annum over the expected 3.5-year build programme.
3. Generate gross value added (GVA) during the 3.5 year construction period.
4. Generate spend in the Stockport local authority area during the 3.5 year construction period from on-site construction workers.
5. Generate spend in the Stockport local authority area from the households once fully built-out.
6. Provide homes for people that are economically active and in employment.
7. Generate first occupation expenditure within 18 months from the proposed new dwellings once fully built and occupied.
8. Generate additional Council Tax revenue from the construction of the new homes.

¹⁶ *ibid.*

¹⁷ *ibid.*

Environmental Benefits

6.8 It is agreed by the Appellant and the Council that the Appeal Scheme will:

1. Delivery of a high quality and well designed development. Whilst the application is submitted in outline, a planning condition would be imposed which requires any future reserved matters applications to be brought forwards in accordance with the Design Code (**CD1.40**) and Land Use and Building Heights Parameters Plan (**CD1.10**).
2. An efficient use of the Appeal Site. The Development would deliver up to 200 dwellings at a density of 45dph in accordance with Policy CS3 of the Core Strategy. The Appellant and the Council agree that the proposed density is the most appropriate density of development on the Appeal Site.
3. Implementation of managed ecology and landscape enhancements. The Development would enhance the Informal Public Open Space through carefully considered ecology and landscape improvements, delivered by The Land Trust, which would ensure the longevity of the fields as a location for nature and wildlife. The OLEMP (**CD1.59**) includes landscape and ecological enhancements which are consistent with the existing character of the Appeal Site.
4. Result in the planting of up to 267 new native trees, which would exceed the number of trees to be removed. The Officer's Report identifies "*Securing new on site tree planting that would exceed the number of trees to be removed*"¹⁸ to be a positive of the Appeal Scheme.
5. Achieve a minimum of 10% Biodiversity Net Gain (agreed at 12.85%), which would be a benefit of the Appeal Scheme, as noted in the Officer's Report¹⁹; and,
6. Subject to planning conditions and an appropriate legal agreement be accessible using sustainable modes of travel. The Officer's Report states that, "*...it is accepted that the overall impact relating to accessibility and travel is positive.*"²⁰

¹⁸ *ibid.*, page 176.

¹⁹ *ibid.*

²⁰ *ibid.*, page 171

7 PLANNING CONDITIONS

- 7.1 The Local Planning Authority issued the draft conditions to the Appellant on 2 October 2023. The Appellant and the Local Planning Authority have been focused on the agreement of the SoCG's and the exchange of Proof of Evidence on 3 October. There will now be a focus on the draft conditions and the S106 Legal Agreement, and the Councils and the Appellant solicitors met on 2 October to discuss the S106 Legal Agreement.
- 7.2 The Appellant and the Council will agree the draft conditions and requests that these can be issued to the Planning Inspector by 13 October which is 2 weeks ahead of the opening of the Public Inquiry.

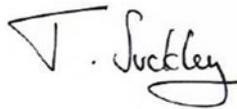
8 AGREED LIST OF DRAWINGS

- 8.1 The Appellant and the Council have agreed the list of drawings provided at **Appendix 1**.
- 8.2 The Appellant's Planning Solicitor, Eversheds has written separately to the Planning Inspector about a change to the red line boundary on the Location Plan which has been agreed between the Appellant and the Council.
- 8.3 The substitution of the Location Plan has been discussed and agreed with the LPA. Provided at **Appendix 1 is:** (1) the list of plans as determined by the LPA and (2) the plans to be determined by PINs if the Location Plan substitution is accepted by the Planning Inspector and is made.

9 CONCLUSION

9.1 This SoCG deals with planning matters and details areas of agreement and disagreement between the Appellant and the Council to assist the Inquiry and help the Inspector. Separate SoCG's dealing with technical matters have been prepared, as detailed at Chapter 1 of this Statement, and have been discussed and agreed with the relevant Officers in advance of the Inquiry.

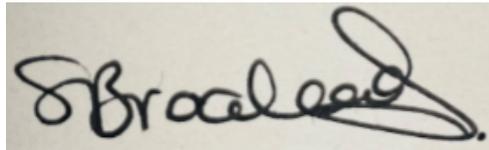
Signed:



Print Name: Mr Jon Suckley of Asteer Planning LLP on behalf of the Appellant.

Date: 3 October 2023

Signed:



Print Name: Mrs Suzanne Broomhead, Senior Planning Manager on behalf of the Council

Date: 3 October 2023

APPENDIX 1 – List of Plans

Plans as determined by the LPA

Plans For Approval

1. Location Plan - MP_00_1000 Rev 06 (**CD1.5**).
2. Parameter Plan – Land Use and Building Heights - MP_00_1001 Rev 19 (**CD1.10**).

Indicative Plans Not for Approval

1. Housing Masterplan - MP_00_2002 Rev 11 (**CD1.3**).
2. Indicative Housing Mix Plan – MP_00_2003 Rev 03 (**CD1.4**).
3. Landscape Layout - M3044-PA-01-V13 (**CD1.7**).
4. POS-1 - M3044-PA-02-V4 (**CD1.12**).
5. POS-2 - M3044-PA-03-V4 (**CD1.13**).
6. POS-3 - M3044-PA-04-V2 (**CD1.14**).
7. Proposed Access Mirrlees Drive - 70329-CUR-00-XX-DR-TP-75006-P11 (**CD1.16**).
8. Proposed Access Arrangement - 70329-CUR-00-XX-DR-TP-75009-P13 (**CD1.18**).
9. Swept Path Analysis 16.5m Articulated HGV MAN Energy Access -70329-CUR-00-XX-DR-TP-05001-P05 (**CD1.21**).
10. Potential Access Arrangement Emergency Access - 70329-CUR-00-XX-DR-TP-75007-P07 (**CD1.11**).
11. PRow Improvements - 70329-CUR-00-XX-DR-TP-06007-P04 (**CD1.20**)

Plans to be determined by PINS

Plans For Approval

1. Updated Location Plan - 05881 MP_00_3000_SK003 Rev 0
2. Parameter Plan – Land Use and Building Heights - MP_00_1001 Rev 19 (**CD1.10**).

Indicative Plans Not for Approval

1. Housing Masterplan - MP_00_2002 Rev 11 (**CD1.3**).
2. Indicative Housing Mix Plan – MP_00_2003 Rev 03 (**CD1.4**).
3. Landscape Layout - M3044-PA-01-V13 (**CD1.7**).
4. POS-1 - M3044-PA-02-V4 (**CD1.12**).
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10. Potential Access Arrangement Emergency Access - 70329-CUR-00-XX-DR-TP-75007-P07 (**CD1.11**).
11. PRow Improvements - 70329-CUR-00-XX-DR-TP-06007-P04 (**CD1.20**)
12. Existing PRow Provision - 70329-CUR-00-XX-DRTP-06008-P01 (**CD5.1**)
13. Publicly Accessible Protected Open Space - MP_00_1003 Rev 0 (**CD5.2**)
14. Housing Area Designated Green and Blue Infrastructure - MP_00_1004 Rev 01 (**CD5.3**)