

**TOWN & COUNTRY PLANNING ACT 1990  
(AS AMENDED)**

**RESERVED MATTERS APPLICATION BY  
COPPERLEAF BUXTON LTD & WOODFORD LTD**

**LAND AT CARR ROAD/LEEK ROAD,  
BURBAGE, BUXTON**

**PLANNING STATEMENT**

**20 DECEMBER 2012**

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## **1. INTRODUCTION**

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### **BRIEF**

- 1.1 Hourigan Connolly is instructed by Copperleaf Buxton Ltd and Woodford Ltd to prepare a Planning Statement in support of a reserved matters application to be determined by High Peak Borough Council (hereafter referred to a 'HPBC').
- 1.2 The application seeks detailed approval for 14 no. four bed dwellings and associated works on land at Carr Road/Leek Road, Buxton. Those reserved matters for which this application seeks approval are;
- Access.
  - Appearance.
  - Landscaping.
  - Layout.
  - Scale.

### **BACKGROUND**

- 1.3 The site already benefits from outline planning permission (considered in more detail within Section 3), therefore this application is not an opportunity to revisit matters of principle or to seek enhanced developer contributions.
- 1.4 This application simply seeks to agree the aforementioned matters of detail in accordance with the Town & Country Planning (Development Management Procedure) (England) Order 2010 (hereafter referred to as the 'DMPO').

### **PRE-APPLICATION CONSULTATION**

#### **High Peak Borough Council**

- 1.5 The applicants have sought to engage with Officers from HPBC Planning Department prior to the submission of this application. This is consistent with the advice set out at para.189 of the National Planning Policy Framework (NPPF).
- 1.6 OMI Architects contacted Sue Ashworth (HPBC Principal Planning Officer) by email dated 06 November 2012 to discuss the details of the application and arrange a site meeting. A response was received the same day indicating that, unfortunately, due to current workload commitments,

a pre-application meeting would not be possible before the end of the year. However, our client is contractually required to submit this application before the end of 2012, therefore no advice has been forthcoming from HPBC prior to submission.

### **Local Residents/Members**

- 1.7 Prior to submission, a consultation leaflet was prepared and circulated to 75 properties in the vicinity of the application site. Further details on the public consultation and responses received is set out in the Design and Access Statement.

## **PURPOSE**

- 1.8 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The purpose of this Planning Statement is as follows:

- To provide an overview of the physical constraints and opportunities at the site.
- To identify any statutory or local planning related designations affecting the site.
- To consider previous planning decisions have been made that are material to the proposals for redevelopment of the site.
- To describe the work that has been undertaken by the Applicants, their consultancy team and the implications arising from that work.
- To provide details of the scheme that has been brought forward by way of the reserved matters application.
- To consider the proposed scheme having regard to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004.

## **FORMAT**

- 1.9 The remainder of this document is structured as follows:
- Chapter 2 – The Site & Surrounding Area.
  - Chapter 3 – Planning History.
  - Chapter 4 – Statutory & Other Designations.
  - Chapter 5 – The Proposed Scheme.

- Chapter 6 – The Development Plan.
- Chapter 7 – Other Material Considerations.
- Chapter 8 – Summary Of Benefits And Conclusions.

## 2. THE SITE & SURROUNDING AREA

### SITE LOCATION

- 2.1 The application site comprises a rectangular area of land on the south-western fringes of Buxton. The application site is outside the Peak District National Park boundary.
- 2.2 The site is approximately 2.3km south west of Buxton town centre, 9km south of Chapel-en-le-Frith and 12km east of Macclesfield.
- 2.3 A site location plan is provided below.

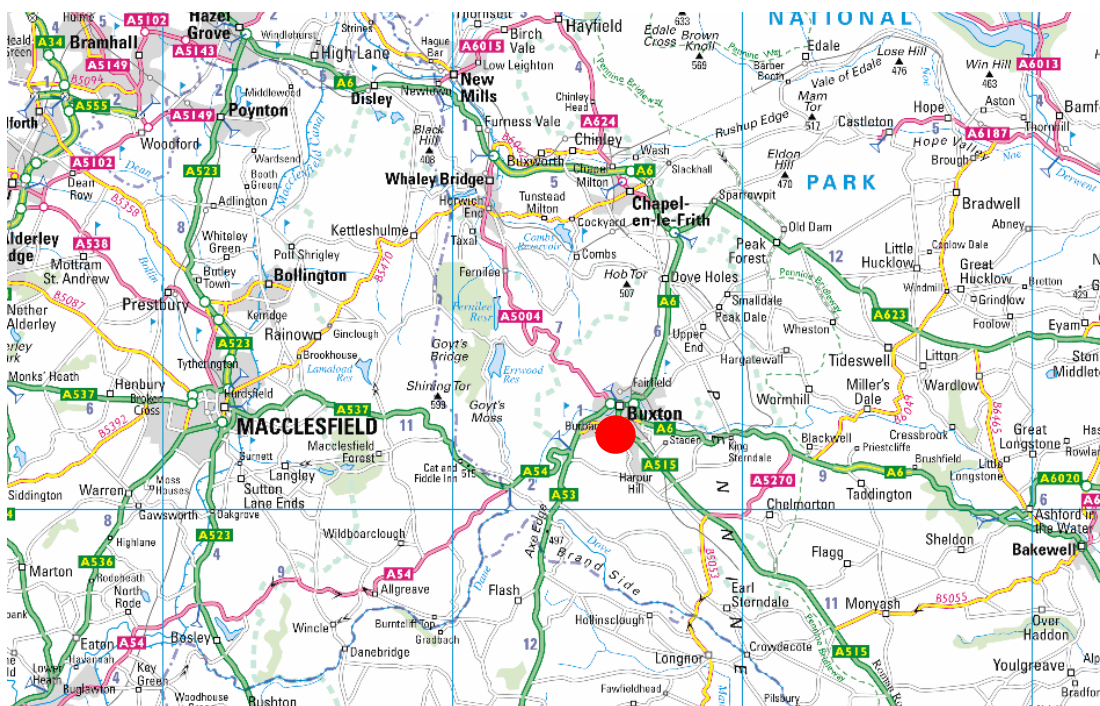


Fig. 2.1. Site Location

### SITE DESCRIPTION

- 2.4 The application site comprises an area of land approximately 0.46Ha to the south of the newly constructed Carr Road. Land to the north of Carr Road has recently been redeveloped for residential use by Gleeson/Miller Homes (marketed as 'Heritage View'). This comprises a mix of two storey and three-storey town houses with a south westerly aspect.
- 2.5 The application site is linear in shape, effectively forming a strip of land along the south western boundary of the wider redevelopment site. It slopes down from the Leek Road frontage and is currently undeveloped, although part of the site has been temporarily used as a contractors

compound during the construction of the Gleeson/Miller Homes development. The site contains a number of mature trees (considered in more detail in Section 4 of this report).

- 2.6 The eastern boundary of the site is formed by Leek Road, with residential properties, a motor repair workshop and petrol filling station opposite the application site. Beyond the application boundary to the south west is open countryside.



**Fig. 2.2. The application site. Please note, the image was taken in 2005; the residential development to the north is now largely complete and occupied**



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### 3. PLANNING HISTORY

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- 3.1 The statutory register of Planning Applications and Appeals has been inspected via the High Peak Borough Council (HPBC) website.
- 3.2 Records indicate that there are two previous applications of particular relevance to this application.

#### PLANNING PERMISSION HPK/2007/2012

- 3.3 This was an outline planning permission for residential use (all matters reserved) granted on 18 March 2008 (see **Appendix 1**). The description of development is:

*Outline application for residential development together with associated infrastructure at Land off Carr Road, Leek Road, Burbage, Buxton*

- 3.4 The application was presented to HPBC Planning Committee on 17 March 2008. The report to Committee states that the application was amended during the determination period:

*"The application has been changed since its original submission when the applicant specified that 11 units were proposed, although siting was not included. The specific number of units has now been deleted from the proposal and permission is sought in outline only, with all matters other than access reserved for subsequent approval".*

- 3.5 Therefore, whilst the applicant originally sought approval for 11 no. dwellings, the number of units was not a matter for determination as part of the application.
- 3.6 In addition, whilst approval was also sought for the proposed means of access, the Council still imposed a condition stating that **all matters** would require subsequent approval. The effect of the resulting decision of the Council was to grant an unrestricted permission for residential use with all matters reserved.
- 3.7 This permission was also subject to standard conditions requiring the permission to be implemented either before the expiration of three years from the date of the permission or before the expiration of 2 years from the date of approval of the last of the reserved matters. Condition 2 also required submission of reserved matters within three years of the date of the permission.

#### PLANNING PERMISSION HPK/2011/0088

- 3.8 This permission was a renewal of the 2008 outline planning permission. It was submitted on 18 February 2011 and granted on 18 April 2011, again with all matters reserved (see **Appendix 2**). The description of development is as follows:



*Application to extend time limit on HPK/2007/1012 for outline permission for residential development on Land at Carr Road Leek Road Burbage Buxton.*

- 3.9 Again, the approval was subject to conditions, of which Condition 2 requires an application for the approval of reserved matters to be made within 3 years of the date of the outline approval i.e. before 18 April 2014.
- 3.10 Condition 3 also sets out those reserved matters for which further approval would be required, namely layout, scale, appearance, access and landscaping.
- 3.11 Again, this permission was unfettered in that it did not restrict the number of dwellings which could come forward at reserved matters stage.

### **PLANNING HISTORY – SUMMARY**

- 3.12 This application is made in accordance with those conditions imposed on the 2011 outline planning permission, in that it is made before the expiration of three years and addresses all reserved matters.
- 3.13 Furthermore, the proposed development relates to land wholly within the red-edged site boundary as defined by the extant outline permission and is, therefore, duly made in full accordance with all relevant procedural requirements.
- 3.14 Furthermore, it is emphasised that the extant outline permission does not restrict the overall number of dwellings which could come forward at reserved matters stage, either via a planning condition or the description of development. The outline is also not subject to any planning obligation or other legal agreement.
- 3.15 Accordingly, it must be concluded that the application site benefits from an unfettered planning permission for residential use in principle.

## 4. STATUTORY AND OTHER DESIGNATIONS

### FLOOD RISK

- 4.1 The application site is not within an area at risk of flooding according to the Environment Agency Flood Risk Map.

### HERITAGE DESIGNATIONS

- 4.2 HPBC and Derbyshire County Council have confirmed that the application site does not contain any listed buildings and is not within a designated Conservation Area or World Heritage Site. The site is also not a Scheduled Monument.

### PUBLIC RIGHTS OF WAY

- 4.3 A Public Right of Way (FP42) lies to the south western of the application site. The footpath then crosses the application site in a north eastern direction towards Buxton, as denoted by green dashed routes on the plan below. A second public footpath (FP40) also connects Carr Road with FP42.

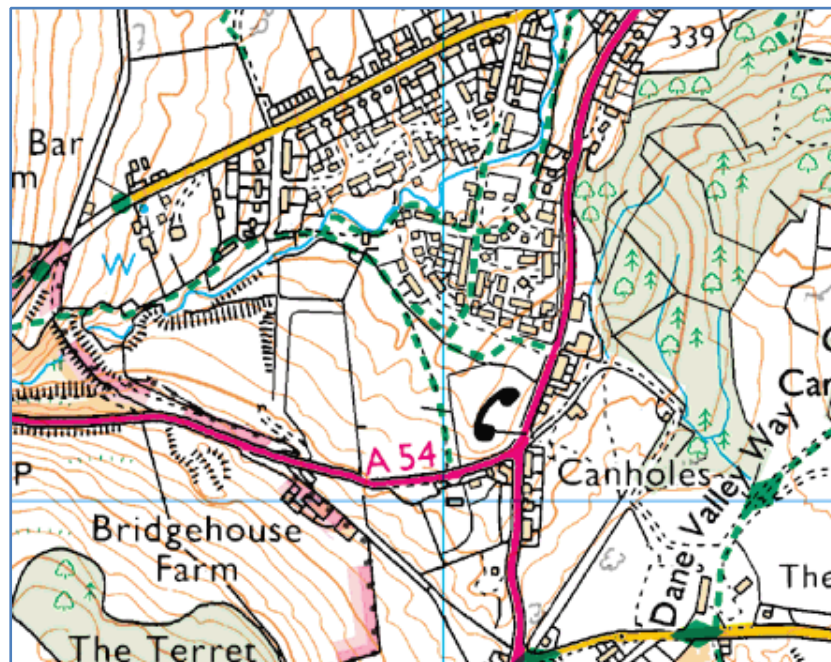


Fig. 4.1. OS Extract showing existing rights of way

- 4.4 Both Public Rights of Way have been incorporated within the proposed layout and will, therefore, be unaffected in terms of their routing. Consequently, no diversion or closure orders are required.

## **TREE PRESERVATION ORDER (TPO)**

- 4.5 There are a number of existing, mature trees within the application which are subject to a Tree Preservation Order. These trees will be retained and protected as part of the redevelopment proposals to ensure their long-term health is safeguarded. The application is also accompanied by an Arboriculture Survey which considers the health of all trees within the application site.

## **ECOLOGICAL DESIGNATIONS**

- 4.6 There are a number of Special Protection Areas (SPA's), Special Areas of Conservation (SAC's) and Sites of Special Scientific Interest (SSSI's) within 1km of the application site. These are considered in further detail within the Ecological Assessment which accompanies the application, which concludes that the proposals would not have any direct or indirect affect on any designated ecological interests in the vicinity.

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## 5. THE PROPOSED SCHEME

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### THE APPLICATION PROPOSALS

- 5.1 This application seeks approval of all reserved matters for 14 no. dwellings and associated works.
- 5.2 In accordance with Condition 3 on the outline planning permission (ref: HPK/2011/0088) granted in 2011, these matters comprise access, appearance, landscaping, layout and scale.

### ACCESS

- 5.3 The proposed dwellings include private off-street parking areas for at least two vehicles which will be directly accessed off Carr Road. Four of the proposed dwellings also have a third off-street parking space.
- 5.4 Carr Road is a 5.5m wide residential road, constructed to adoptable standards and will be adopted by HPBC. The road is also subject to traffic calming measures (speed humps) to control the speed of vehicles using Carr Road and ensure a safe environment for manoeuvring vehicles.
- 5.5 Land to the east of plot 14 is required to be kept clear of obstructions as it forms part of the visibility splay for the Carr Road/Leek Road junction. The blank gable elevation facing Leek Road mirrors the dwelling on the opposite side of Carr Road.
- 5.6 Each of the proposed dwellings has a level entrance to the front and a ground floor WC to ensure a socially inclusive development that is capable of meeting the needs of a range of households.
- 5.7 In terms of refuse arrangements, dedicated bin storage areas are shown for each dwelling.

### APPEARANCE

- 5.8 The proposed elevations and materials seek to introduce an innovative and contemporary design using traditional materials. The submitted Design and Access Statement provides a comprehensive description of the proposed dwellings, boundary treatments and detached garages.

### LANDSCAPING

- 5.9 The application is accompanied by a landscaping plan which demonstrates how the proposed dwellings will be assimilated into their surroundings to soften the development and respect the

rural character of land to the south west. The landscaping strategy has been informed by the Landscape and Visual Impact Assessment.

## **LAYOUT**

- 5.10 The layout plan details a development of 14 no. dwellings with associated private amenity space, off-street parking and associated landscaping. The configuration of the dwellings and quantum of development is determined by the linear shape and topography of the site and key physical features which need to be incorporated, such as the existing public footpaths and protected trees.

## **SCALE**

- 5.11 The proposed dwellings are all two storey in deference to the existing dwellings opposite which are a mix of two and three storeys. The scale proposed is also partly informed by market demand for four-bed properties in this location.

## **SUPPORTING INFORMATION**

- 5.12 This document should be read in conjunction with the suite of documents submitted in support of the reserved matters application. These comprise the following:
- Highways and Transport Technical Note (SCP Transport).
  - Detailed Landscaping Scheme (TPM).
  - Landscape and Visual Impact Assessment (TPM).
  - Ecology Assessment (TEP).
  - Utilities Statement (Copperleaf).
  - Arboriculture Survey (TEP).
  - Phase II Ground Investigation prepared (Atkinson Peck).
  - Design and Access Statement (OMI Architects).
  - Noise Exposure Assessment (Clement Acoustics).
  - Crime and Security Assessment (Derbyshire Constabulary).

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## 6. THE DEVELOPMENT PLAN

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### INTRODUCTION

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

*“where in making any determination under the planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”.*

6.2 In this instance, the Development Plan comprises:

- The Regional Spatial Strategy (RSS) for the East Midlands (2009).
- Saved Policies of the High Peak Borough Local Plan (HPBLP) (2005).

### RSS FOR THE EAST MIDLANDS

6.3 The Localism Bill was granted royal assent on 15 November 2011 and became the Localism Act 2011. Part 6 (Chapter 1, Section 109) deals with the revocation of Regional Spatial Strategies (RSS), however Strategic Environmental Assessments (SEA) are ongoing and need to be completed before the Order to revoke the RSS can be laid before Parliament. Accordingly, whilst there is a legislative basis for the revocation of RSS, further enactments need to be made to implement these provisions. However, the evidence base which underpins RSS remains material to the determination of planning applications.

6.4 The East Midlands RSS was published in March 2009. RSS Policy 3 (Distribution of New Development) establishes a settlement hierarchy and states that new development should be concentrated primarily towards the regions five Principal Urban Areas, growth towns and sub-regional centres. The development needs of other settlements and rural areas should be provided for, whilst maintaining the distinctive character and vitality of rural communities; shortening journeys and facilitating access to jobs and services and strengthening rural enterprise and linkages between settlements and their hinterlands.

6.5 The application site lies within the Peak Sub-Area to which RSS Policy 8 (Spatial Priorities in and around the Peak Sub-area) applies. RSS Policy 8 provides a spatial framework for policy-making, requiring that policies should *inter alia* help to address the social and economic needs of the Peak's communities, for example, by the provision of additional housing.

6.6 RSS Policy 13a (Regional Housing Provision) defines the distribution of regional housing provision for the period 2006-2026. The requirement for HPBC is 300 dwellings per annum (net), equating to 6,000 dwellings over the RSS plan period. The present supply of housing



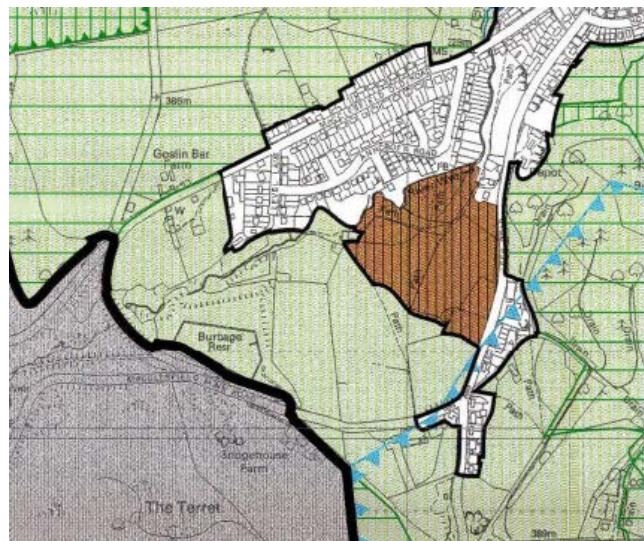
land within High Peak is an important issue in the determination of applications. At this point it is worthy of note that HPBC's stated housing land supply (as of 31 March 2012) is 5.9 years. The claimed supply has also recently been considered by an Inspector at appeal<sup>1</sup> who found that HPBC were unable to demonstrate a five year housing land supply due to an overreliance on sites without planning permission and a windfall allowance.

## **SAVED HIGH PEAK BOROUGH LOCAL PLAN (HPBLP)**

- 6.7 The HPBLP was adopted in March 2005. Under transitional arrangements introduced via the Planning and Compulsory Purchase Act, the majority of policies within the adopted HPBLP were 'saved' in March 2008 pending the preparation of the High Peak Local Development Framework (HPLDF).

### ***SITE SPECIFIC POLICY DESIGNATIONS***

- 6.8 The application site lies within an allocated housing site at Leek Road/Ancroft Road, subject to Policy H4 (Housing in Buxton) of the saved HPBLP.
- 6.9 An extract from the Proposals Map is shown below and the residential allocation is denoted in brown.



**Fig. 6.1 – Extract from HPBLP Proposals Map**

- 6.10 The south western boundary of the application site also forms the built-up area boundary to which saved Policy GD2 (Built-Up Area Boundaries) and H5 (Housing within the Built Up Area Boundaries). In granting outline permission for residential use on the application site, the

<sup>1</sup> Land at Manchester Road/Crossings Road, Chapel-en-le-Frith, High Peak, Derbyshire SK23 9TP (PINS Ref: APP/H1033/A/11/2159038)



Council took full considerations of all the aforementioned policies (as stated in the Committee reports).

### **GENERAL POLICY CONSIDERATIONS**

- 6.11 Of more pertinence to the determination of reserved matters are the generic design-related policies within the saved HPBLP.
- 6.12 Policy H11 (Layout And Design Of Residential Development) states that planning permission will be granted for residential development provided that it will incorporate good design that reflects its setting and local distinctiveness; and make efficient use of available land; and promotes safe and accessible living environments which include a mix of housing types and sizes; and protect amenity.
- 6.13 The application proposals fully respond to the requirements of Policy H11 by delivering an attractive residential environment that respects the physical and aesthetic character of the site and its location. This is considered in more detail in the Design and Access Statement which accompanies the application.
- 6.14 In addition, the provision of 14 no. dwellings represents an efficient use of the net developable land available, allowing for the retention of the existing public footpaths through the site and mature trees. The mix of house types proposed is based on clear market demand in the vicinity.
- 6.15 Policy H12 (Public Local Open Space) states that permission will be granted for residential development, provided that the development will provide or have access to sufficient area(s) of public open space to adequately serve residents of the site.
- 6.16 Policy GD4 (Character, Form and Design) states that planning permission will be granted provided that the scale, siting, layout, density, form, height, proportions, design, colour and materials of construction, elevations and fenestration and any associated engineering, landscaping or other works will be sympathetic to the character of the area, and there will not be undue detrimental effect on the visual qualities of the locality or the wider landscape.
- 6.17 The Design and Access Statement fully articulates the proposed design rationale with reference to the specific matters referred to in Policy GD4 and is predicated on a thorough assessment of the site and its surroundings. In the absence of any pre-application advice to the contrary, the applicant is confident that the proposed design is entirely appropriate to this location.
- 6.18 Policy GD5 (Amenity) states that planning permission will be granted for development provided that: it will not create unacceptable loss of, nor suffer from unacceptable levels of, privacy or general amenity, particularly as a result of: overlooking; loss of daylight and sunlight; overbearing effects of development; air, water, noise, light and other pollution; risk from hazardous substances and processes; traffic safety and generation.

- 6.19 The proposals fully safeguard the amenity of both existing residents on Carr Road and future users of the appeal site. The Residential Design Guide Supplementary Planning Document (SPD) is considered in more detail in the following section of this Statement.
- 6.20 Pre-application surveys have also indicated that secondary glazing will be required to ensure satisfactory noise levels within habitable rooms. This is fully detailed in the Noise Exposure Assessment submitted in support of the application and can be secured by planning condition, in order to satisfy the requirements of Policy GD5.
- 6.21 Policy GD6 (Landscaping) states that planning permission will be granted for development provided that where appropriate, it will contain a high standard of hard and/or soft landscape treatment in keeping with the character of the area, including the integration of existing features and the use of native species suitable to the location.
- 6.22 The proposals fully respects key landscape features within the site and will retain public rights of way and mature trees. Retained landscape features will be supplemented by a detailed landscaping plan, submitted for determination as part of the proposals.
- 6.23 Policy GD7 (Crime Prevention) states that planning permission will be granted for development, provided that its design, layout and landscaping will help create a safe and secure environment and minimise the opportunities for crime to be committed. Pre-application discussions have been undertaken with Derbyshire Constabulary and the application is accompanied by a Crime and Security Assessment which is fully commensurate with the requirements of Policy GD7.
- 6.24 Policy GD12 (Unstable Land, Landfill and Contaminated Sites) states that planning permission will be granted provided that the development would not be unduly adversely affected by its siting on, or its proximity to, a known or suspected landfill, unstable land or contaminated site; and it will not adversely affect the safety, stability or environmental quality of neighbouring or associated land; and it will not lead to materially harmful levels of air, ground water or surface water pollution in the case of sites of known contamination or instability the proposal is accompanied by a full assessment of the effects both of, and upon, the development.
- 6.25 The application is accompanied by an Phase II Ground Investigation Report, which meets the requirements of Policy GD12.
- 6.26 Policy OC10 (Trees and Woodlands) states that planning permission will be granted for development, provided that it will not result in the loss of, or materially injure the health of, a woodland (in whole or in part) or other significant individual, group or area of trees, unless required in the interests of safety, good tree management or a wider scheme of conservation and enhancement. The application is accompanied by an Arboriculture Survey and will retain protected trees within the site. The layout also takes account of root protection areas.
- 6.27 Policy TR1 (Transport Implications of New Development) states that permission will be granted for new development provided that it seeks to reduce the need to travel, widen transport choice

for people and goods, integrate transport and land use. The application is accompanied by a Technical Note prepared by SCP Transport. This concludes that a development of 14 dwellings will not have a noticeable impact on the safety and capacity of the surrounding highway network. On this basis, the proposals are compliant with the requirements of Policy TR1.

## **SUMMARY**

- 6.28 The proposed development clearly complies with the relevant provisions of RSS and the saved Local Plan. The supporting documentation which accompanies the application clearly demonstrate that the proposals are policy compliant and take full account of the physical features of the site, existing residents and the character of the local area.
- 6.29 The following section of this Statement demonstrates that there are other material considerations which further support the proposals.

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## 7. OTHER MATERIAL CONSIDERATIONS

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### INTRODUCTION

- 7.1 In this instance, it is our view that other material considerations should be afforded significant weight when applying the policies of the HPBLP particularly as it was adopted by the Council in March 2005 and Paragraph 1.17 states that:

*“The Derbyshire Structure Plan covers the period from April 1991 to March 2011; the Local Plan relates to the same time period.”*

- 7.2 The policies within the HPBLP are, therefore, time expired in context of their intended purpose at the time of adoption.
- 7.3 This application must, therefore, be considered in context of the most up-to-date evidence base and other material considerations such as the National Planning Policy Framework (hereafter referred to as the Framework) which has superseded the adoption date of the HPBLP.
- 7.4 Material considerations must be genuine planning considerations, i.e. they must be related to the development and use of land in the public interest. The considerations must also fairly and reasonably relate to the application concerned (*R v Westminster CC ex-parte Monahan 1989 refers*).
- 7.5 The Courts are the arbiters of what constitutes a material consideration. All the fundamental factors involved in land-use planning are included, such as the number, size, layout, siting, design and external appearance of buildings and the proposed means of access, together with landscaping, impact on the neighbourhood and the availability of infrastructure.
- 7.6 The Courts have also held that the Government's statements of planning policy are material considerations which must be taken into account, where relevant, in decisions on planning applications. These statements cannot make irrelevant any matter which is a material consideration in a particular case. But where such statements indicate the weight that should be given to relevant considerations, decision-makers must have proper regard to them. If they elect not to follow relevant statements of the Government's planning policy, they must give clear and convincing reasons (*E C Grandson and Co Ltd v SSE and Gillingham BC 1985 refers*).
- 7.7 Emerging policies, in the form of draft policy statements and guidance, can be regarded as material considerations, depending on the context. Their existence may indicate that a relevant policy is under review; and the circumstances which have led to that review may need to be taken into account. In this case the following material considerations are relevant.

## THE NATIONAL PLANNING POLICY FRAMEWORK

- 7.8 The Framework was published and came into force on 27 March 2012. In general terms the Applicants consider that the Framework significantly supports the case for granting reserved matters approval for the proposed scheme.

## STATUS

- 7.9 Paragraph 1 of the Framework states that:

*"The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied."*

- 7.10 Publication of the Framework saw the cancellation of 44 planning policy documents, including all extant PPG, PPS<sup>2</sup>, and a number of Circulars and Letters to Chief Planning Officers.

- 7.11 Regard must now be had to the Framework as a material consideration in planning decisions as per Paragraph 2 of the Framework and Section 38(6) of the Planning and Compulsory Purchase Act 2004.

## ACHIEVING SUSTAINABLE DEVELOPMENT

- 7.12 In his Ministerial Foreword to the Framework, the Rt. Hon. Greg Clarke MP and Minister for Planning states that:

*"The purpose of planning is to help achieve sustainable development.*

*Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations.*

*Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate.*

*Sustainable development is about change for the better, and not only in our built environment..."*

- 7.13 Mr Clarke continues:

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<sup>2</sup> Save PPS10 for a limited period

*“So sustainable development is about positive growth – making economic, environmental and social progress for this and future generations.*

*The planning system is about helping to make this happen.*

*Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision. This framework sets out clearly what could make a proposed plan or development unsustainable...”*

7.14 Paragraph 14 of the Framework states:

*“At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking....”*

7.15 In the following sections of this Chapter we examine the various elements of the Framework but we would emphasise at this point (and in the context of English planning decisions) that sustainability is not just about accessibility between a site and facilities; it encompasses much broader issues which are broadly defined in Paragraph 7 of the Framework as three dimensions; namely economic, social and environmental. In relation to these dimensions we comment as follows:

### **ECONOMIC**

7.16 The application proposals would make a significant contribution to ensuring that sufficient housing land is available in the High Peak. This is particularly important as the Council does not have a 5 years supply of housing land as required by the Framework.

7.17 Furthermore the Applicants are confident that if planning permission is granted housing would be delivered quickly thereby not only meeting housing needs but providing much needed jobs within the economy and funds to the Council via the New Homes Bonus. The DCLG New Homes Bonus calculator (see **Appendix 3**) indicates that the Council would received an additional payment of up to £96,000 over the six year period following occupation should reserved matters approval be forthcoming.

7.18 Overall it is submitted that the application proposals are commensurate with the economic dimension of sustainable development.

### **SOCIAL**

7.19 There is no doubt that the application proposals will make a significant contribution to meeting open market housing needs within the local community.

- 7.20 Indeed increasing the overall supply of housing improves affordability by redressing supply/demand issues and reduces prices overall thereby allowing more people access to the housing market which is a positive social benefit.
- 7.21 In relation to the creation of a high quality environment, the submitted details, including the Design and Access Statement, demonstrate that a high quality development could be achieved.
- 7.22 In granting outline permission, HPBC have already accepted that the site is appropriately located in relation to local services and has the potential to reduce reliance on the private motor vehicle.

### ***ENVIRONMENTAL***

- 7.23 In terms of the environmental dimension of sustainability, the application site is identified as a residential allocation in the saved Local Plan, therefore its redevelopment must be commensurate with strategic environmental objectives.
- 7.24 In physical terms, the proposals also retains key physical features on the site including mature trees and existing public rights of way. The site is not subject to any statutorily protected species and the proposals would not have an impact on any local protected habitats.
- 7.25 Various safeguards can be put in place in the form of planning conditions to ensure that the proposals do not give rise to pollution.

### ***MUTUAL DEPENDENCY***

- 7.26 Paragraph 8 of the Framework indicates that the economic, social and environmental roles of sustainability are mutually dependent and should be sought jointly and simultaneously through the planning system.
- 7.27 In this case it is submitted that the application proposals would secure economic, social and environmental benefits and would result in a sustainable solution to meeting housing needs.

### **LOCAL CIRCUMSTANCES**

- 7.28 Paragraph 10 of the Framework states that:

*“Plans and decisions need to take local circumstances into account, so that they respond to different opportunities for achieving sustainable development in different areas”.*

- 7.29 It is submitted that the application proposals respond to local circumstances by helping to meet an identified need for open market houses in a sustainable manner.



7.30 In this case there is no conflict with the government's localism agenda.

## THE PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

7.31 Paragraph 14 of the Framework establishes a presumption in favour of sustainable development. For decision-taking this means (unless material considerations indicate otherwise):

- *“approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted.”*

7.32 The application proposals meet current (housing) needs in a manner which does not compromise the ability of future generations to meet their own needs; they therefore comprise sustainable development and should benefit from the presumption in favour of such development as stated in Paragraph 14 of the Framework.

7.33 In the context of decision taking (Paragraph 14 of the Framework) the evidence produced on behalf of the Applicants demonstrates that the application proposals accord with the provisions of the Development Plan.

7.34 In accordance with Paragraph 49 of the Framework where a local authority cannot demonstrate that it is able to meet a five year housing land supply then the relevant policies of the Local Plan should not be considered to be up to date. This in turn ‘triggers’ the second part of Paragraph 14 which creates an ‘in principle’ presumption in favour of the application proposals, subject to weighing all material considerations.

7.35 In that regard, if the presumption under the last sub paragraph of Paragraph 14 of the Framework is engaged then it is only outweighed if there are “**significant and demonstrable**” adverse effects.

7.36 As we understand it DCLG is advising that only Development Plan Documents (DPDs) adopted under the Planning and Compulsory Purchase Act 2004 have full weight for 12 months. Full weight (Paragraph 214 of the Framework) does not apply to plans adopted under the old system (regardless of adoption date) or saved policies (regardless of when they were saved).

Implementation arrangements are set out in Annex 1 of the Framework. Paragraph 214 of the Framework specifically refers to policies adopted since 2004. However regard must also be had to the footnote, which refers to development plan documents adopted in accordance with the Planning and Compulsory Purchase Act 2004. It is clear that it refers to (a) DPDs only and (b) DPDs adopted in accordance with the 2004 Act. Paragraph 215 of the Framework applies to saved policies or old style plans (not DPDs). It states that due weight should be given to policies in plans according to their degree of consistency with the policies in the Framework. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

7.37 Having regard to our submissions above the saved Local Plan can now only be afforded limited weight because it is not a Plan that was adopted in accordance with the Planning and Compulsory Purchase Act 2004 and the Council is unable to demonstrate a 5 year supply of housing land which therefore 'triggers' the second part of Paragraph 14 of the Framework which creates an 'in principle' presumption in favour of the application proposals, subject to weighing all material considerations. In this case it is submitted that the other material considerations identified support the granting of outline planning permission.

7.38 We now consider the detailed and relevant parts of the NPPF.

## **DELIVERING SUSTAINABLE DEVELOPMENT – PROMOTING SUSTAINABLE TRANSPORT**

7.39 Sections 29 to 41 of the Framework deal with promoting sustainable transport.

7.40 In this case we consider that the proposals have the potential to support sustainable transport modes through the close proximity of shops and services which will foster walking and cycling through the improvements to the movement network proposed.

## **DELIVERING SUSTAINABLE DEVELOPMENT – DELIVERING A WIDE CHOICE OF HIGH QUALITY HOMES**

7.41 Paragraphs 47 to 55 of the Framework deal with housing.

7.42 Paragraph 47 indicates that an objective of the Framework is to boost significantly the supply of housing. Five criteria are set out under Paragraph 47 to help achieve this objective and we comment on the relevant criteria as follows:

7.43 In respect of Criterion 1 it is clear that the High Peak Local Plan is unable to meet the full objectively assessed needs for market housing going forward; it is out of date.

7.44 In relation to Criterion 2 it is our view that the Council does not have a five year supply of deliverable sites.

7.45 As noted above, Paragraph 49 of the Framework indicates that:

*“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.*

7.46 Clearly, in light of recent appeal decisions in High Peak, the Council’s policies are not up-to-date because there is a recognised absence of a five year supply of deliverable housing sites.

7.47 Paragraph 50 and the accompanying criteria of the Framework deal with delivering a wide choice of high quality homes, widening opportunities for home ownership and creating sustainable, inclusive and mixed communities. In this case it is submitted that the proposals would deliver development that accords with Paragraph 50 of the Framework.

### **DELIVERING SUSTAINABLE DEVELOPMENT – DELIVERING A WIDE CHOICE OF HIGH QUALITY HOMES**

7.48 Section 7 of the Framework is concerned with design and delivering good design.

7.49 It is submitted that the information before the Council demonstrates that a high quality development will be delivered at the application site which would accord with the Framework’s principles of delivering good design.

### **DELIVERING SUSTAINABLE DEVELOPMENT – PROMOTING HEALTHY COMMUNITIES**

7.50 In our opinion the proposals have the potential to promote a healthy community through the creation of a safe and accessible development and one which has access to areas of open space and the wider countryside for recreation and which encourages sustainable transport modes such as walking and cycling.

### **DELIVERING SUSTAINABLE DEVELOPMENT - MEETING THE CHALLENGE OF CLIMATE CHANGE, FLOODING & COASTAL CHANGE**

7.51 Section 10 of the Framework deals with the above matters.

7.52 The application site is not within an area at risk of flooding.

7.53 In terms of accessibility to shops and services it is submitted that the proposed scheme would encourage walking, cycling and public transport use thereby reducing the reliance on the private motor vehicle and associated emissions.

- 7.54 Overall we consider that the application proposals are commensurate with the government's aims of addressing climate change and flooding as expressed in Section 10 of the Framework.

## **DELIVERING SUSTAINABLE DEVELOPMENT – CONSERVING AND ENHANCING THE NATURAL ENVIRONMENT**

- 7.55 Section 11 of the Framework deals with the natural environment. In the application context the following matters are relevant:

- Landscape.
- Ecology.
- Trees.
- Pollution.

- 7.56 In relation to landscape the work of TPM demonstrates that the proposals will improve the visual appearance of Carr Road from the south west. This must be a factor that weighs in favour of the proposals.

- 7.57 In relation to biodiversity the ecological assessment submitted with the planning application demonstrates that the proposals would not have an detrimental impact on any ecological interest.

- 7.58 In relation to trees the proposals allow for the retention of mature trees within the site, supplemented by additional tree planning as illustrated on the landscaping plan.

- 7.59 In relation to pollution the submitted Ground Investigations report indicates that the proposals could provide a satisfactory living environment.

- 7.60 Overall we consider that the proposals are commensurate with the Framework's objectives in relation to the conservation and enhancement of the natural environment.

## **NATIONAL PLANNING FRAMEWORK - SUMMARY**

- 7.61 In our view the proposals are in accordance with the Framework.

## **HIGH PEAK JOINT CORE STRATEGY**

- 7.62 Derbyshire Dales District Council (DDDC) and HPBC began work on a Joint Core Strategy (JCS) in 2008. The JCS was to be the key strategic document within the High Peak LDF and was intended to provide the basis for the production of other Development Plan Documents

(DPD's). Its role was to set out the strategic vision and direction for the High Peak area up to 2026.

7.63 Following an earlier Issues and Options community consultation, HPBC consulted on a draft Core Strategy for a six week period in June 2010. However in April 2013 HPBC resolved to discontinue working with DDC on the production of a JCS and will instead move forward with the production of a single Local Plan for the High Peak which the Council hope to adopt by September 2014.

7.64 An Issues and Options Paper for the High Peak Local Plan was subject to public consultation in October 2012. In the applicants view, this document should not be afforded any weight in the determination of this reserved matters application.

### **SUPPLEMENTARY PLANNING DOCUMENTS (SPD's)**

7.65 The HPBC Residential Design Guide SPD (adopted December 2005) provides detailed guidance on all aspects of design on residential schemes. The SPD advises that *"standards for separation distances are only a starting point for housing layout. The Council adopts a more flexible approach where high quality design can be demonstrated and where adequate amenity and privacy are evident"*.

7.66 In preparing the application, full regard has been had to the Design Guide SPD. The design rationale behind the proposals is fully articulated within the Design and Access Statement.

7.67 The Landscape Character SPD (adopted March 2006) is fully considered within the Landscape and Visual Impact Assessment by TPM which is submitted in support of the proposals.

### **HIGH PEAK INTERIM HOUSING POLICY STATEMENT**

7.68 This document was introduced in January 2009 in response to a proposed increase in the emerging RSS housing requirement. In light of recent appeal decisions which find that HPBC are currently unable to demonstrate a five year supply of housing, the applicants contend that this document should be afforded no weight as a material consideration in the determination of this reserved matters application.

### **SUMMARY**

7.69 In summary it is considered that the other material considerations identified support the proposals.

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## **8. SUMMARY OF BENEFITS AND CONCLUSIONS**

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- 8.1 Hourigan Connolly is instructed by Copperleaf Ltd to prepare a Planning Statement in support of a reserved matters application to be determined by HPBC.
- 8.2 The application seeks detailed approval for 14 no. four bed dwellings and associated works on land at Carr Road/Leek Road, Buxton. Those reserved matters for which this application seeks approval are access, appearance, landscaping, layout and scale.

### **THE MERITS OF THE PROPOSALS**

- The application site benefits from an extant outline planning permission for residential use and is allocated for housing in the saved HPBC Local Plan. The number of dwellings is not restricted on the outline planning permission.
- The proposals would facilitate the retention of trees subject to a tree preservation order and maintain existing public rights of way across the site, which will benefit existing residents.
- The proposals would deliver an architecturally innovative and contemporary development using traditional materials.
- The proposals would not have any impacts on any statutorily protected species or protected habitats, either directly or indirectly.
- There are no technical reasons why the site cannot be developed in the manner proposed.

### **THE PLANNING BALANCE**

- 8.3 The application is brought forward having due regard to the provision of the Development Plan and other material considerations. However, as with every planning application, there is an element of planning balance and judgement to be exercised.
- 8.4 In this case the application is promoted on the basis that the planning balance clearly lies in favour of the proposals once the provisions of the Development Plan and other material considerations are fully assessed.
- 8.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

- 8.6 Having regard to the provisions of the Development Plan and other material considerations we consider that the planning balance lies clearly in favour of the application proposals.
- 8.7 On behalf of our client, it is respectfully requested that the Council grants reserved matters approval for the proposed development for the reasons outlined herein.

**Hourigan Connolly**

**December 2012**



## **APPENDIX 1**



TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING AND COMPENSATION ACT 1991  
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1995

OUTLINE PLANNING APPLICATION

**PERMISSION**

Applicant	Woodford Land Gordon House Sceptre Way Bamber Bridge Preston PR5 6AW	Application no. HPK/2007/1012  Registered on 22/01/2008  Determined on 18/03/2008
Agent	MCK Partnership Ltd 48 Watling Road Fulwood Preston PR2 8BP	

---

High Peak Borough Council hereby **PERMIT** this application for **OUTLINE PLANNING PERMISSION** for

**Outline application for residential development together with associated infrastructure. at Land off Carr Road, Leek Road, Burbage Buxton**

in accordance with the submitted application, details and accompanying plans listed below and subject to the following conditions and reasons:-

**Conditions**

1. The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is later.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this planning permission.

.....  
Adrian Fisher  
Head of Planning & Development

3. Notwithstanding details submitted with the application, all matters, including siting and access shall be reserved for subsequent approval.

### **Reasons**

1. The time limit condition is imposed in order to comply with the requirements of Section 92 of the Town and Country Planning Act 1990
2. The time limit condition is imposed in order to comply with the requirements of Sections 91, 92, 93 and 56 of the Town and Country Planning Act 1990.
3. For the avoidance of Doubt.

### **Notes to Applicant**

### **Plans**

The plans to which this permission refers are listed below:

Location Plan  
Site Plan

.....  
Adrian Fisher  
Head of Planning & Development

## NOTES

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Office of the Deputy Prime Minister in accordance with Section 78 & 79 of the Town and Country Planning Act 1990. **PLEASE NOTE the time period for appeal has changed.** If your application was registered as received before 14<sup>th</sup> January 2005 you can appeal within 3 months of the date of this decision. **If your application was registered on or after 14<sup>th</sup> January 2005 you can appeal within 6 months of the date of this decision.** The Office of the Deputy Prime Minister has power to allow a longer period for the giving of a notice but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The First Secretary of State is not required to entertain an appeal, if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any direction given under the order.
2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Office of the Deputy Prime Minister, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of development which has been or would be permitted, he may serve on the Council of the county district in which the land is situated, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Section 137 & 138 of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the First Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
4. This permission relates to planning control only. Approval under the Building Regulations may also be required from this authority. Any other statutory consent necessary must be obtained from the appropriate authority.
5. If it is intended to give notice of appeal in accordance with Paragraph 1 above, this should be done on the appropriate form obtainable from: The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, tel. 0117 3728000, fax. 0117 – 3728624.
6. Where a vehicle is often driven across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may, be required to pay the cost of construction of a crossing, and/or the strengthening of a footway, as the Authority considers necessary, or may be required to comply with conditions, imposed by the Authority. You should contact the Highway Authority, Derbyshire County Council at County Hall, Matlock, Derbyshire, tel. 01629 580000.
7. Developers should be aware of their statutory obligations with regard to access to buildings and their surroundings, in particular:

The Disability Discrimination Act 1995

The Disability Discrimination (Employment) Regulations 1996

8. Developers should also be aware of the provisions of the Gas Safety Regulations 1972 and Gas Safety (Installation and Use) Regulations 1984. It is possible that the existing gas service pipe which lies within the area of the proposed extension of alterations which will contravene the provisions of these Regulations. It is necessary that you contact British Gas, North West House, Gould Street, Manchester, M4 4DJ, who will advise if the existing gas service pipe requires alterations.

## **APPENDIX 2**



TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING AND COMPENSATION ACT 1991  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(ENGLAND) ORDER 2010

OUTLINE PLANNING APPLICATION

**PERMISSION**

Applicant Mr Jason Parkinson  
Woodford Lane  
3 Lockside Office Park  
Lockside Road  
Preston  
PR2 2YS

Application no. HPK/2011/0088

Registered on 18/02/2011

Determined on 18.04.11

Agent Garner Planning Associates  
20 Beacon Buildings Yard 23  
Stramongate  
Kendal  
LA9 4BH

---

High Peak Borough Council hereby **PERMIT** this application for **OUTLINE PLANNING PERMISSION** for

**Application to extend time limit on HPK/2007/1012 for outline premission for residential development at Land off Carr Road Leek Road Burbage Buxton**

in accordance with the submitted application, details and accompanying plans listed below and subject to the following conditions and reasons:-

**Conditions**

1. The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date

.....

Andy Ellis – Development Control Manager



of approval of the last of the reserved matters to be approved, whichever is later.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this planning permission.
3. Approval of the details of layout, scale, appearance, access and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

### **Reasons**

1. The time limit condition is imposed in order to comply with the requirements of section 92 of the Town and Country Planning Act 1990.
2. The time limit condition is imposed in order to comply with the requirements of Sections 91, 92, 93 and 56 of the Town and Country Planning Act 1990.
3. To ensure a satisfactory standard of development, in accordance with Policy GD4 of the High Peak Saved Local Plan Policies 2008.

### **Summary of reasons for granting permission**

The decision to grant planning permission has been taken because the Council considers that the application relates to the development of an allocated housing site within the built up area boundary. As such the proposal complies with the principles of Local Plan Policies H1 and H4. All matters are reserved for subsequent approval and there is no reason to suggest that other policies in the Local Plan relating to layout and design, highways, protection of trees etc cannot be met.

Outline permission was granted in 2007 for the development of the site and there has been no significant change in policy that would now warrant a refusal of renewal of that permission.

The decision to grant planning permission has also been taken having regard to all other relevant material planning considerations and to the following relevant policies and proposals in the Development Plan.

### **POLICIES RELEVANT TO THIS DECISION**

#### **High Peak Local Plan Saved Policies**

GD2 - Built up area boundaries

GD5 - Amenity

H1 - Principles of Housing Provision

H4 - Housing in Buxton

H5 - Housing within the Built up Area Boundaries

.....

Andy Ellis – Development Control Manager

High Peak Borough Council, Development Services, Municipal Buildings, Glossop, Derbyshire SK13 8AF  
Tel 0845 129 77 77      Fax 01457 860290      Minicom 0845 129 48 76  
E-mail [planning@highpeak.gov.uk](mailto:planning@highpeak.gov.uk)      Website [www.highpeak.gov.uk](http://www.highpeak.gov.uk)

H11 - Layout and Design of residential development  
OC10 - Trees and Woodlands  
TR5 - Access, parking and design

## Notes to Applicant

N/A

## Plans

The plans to which this Notice refers are listed below:

Location Plan

**Please Note:** This decision notice does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. **A fee is payable to us for the discharge of condition. Please refer to our web site : [www.highpeak.gov.uk](http://www.highpeak.gov.uk) for details.** If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a “condition precedent”. The following should be noted with regards to conditions precedent:

- (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
- (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.

Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.

The permission is granted in strict accordance with the approved plans. It should be noted however that:

- (a) Any variation from the approved plans following commencement of the development irrespective of the degree of variation will constitute unauthorised development and may be liable to enforcement action.
- (b) Variation to the approved plans will require the submission of a new planning application.

.....

Andy Ellis – Development Control Manager

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Tel 0845 129 77 77 Fax 01457 860290 Minicom 0845 129 48 76  
E-mail [planning@highpeak.gov.uk](mailto:planning@highpeak.gov.uk) Website [www.highpeak.gov.uk](http://www.highpeak.gov.uk)



TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING AND COMPENSATION ACT 1991  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(ENGLAND) ORDER 2010

OUTLINE PLANNING APPLICATION

**PERMISSION**

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Andy Ellis – Development Control Manager

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### **Reasons**

1. The time limit condition is imposed in order to comply with the requirements of section 92 of the Town and Country Planning Act 1990.
2. The time limit condition is imposed in order to comply with the requirements of Sections 91, 92, 93 and 56 of the Town and Country Planning Act 1990.
3. To ensure a satisfactory standard of development, in accordance with Policy GD4 of the High Peak Saved Local Plan Policies 2008.

### **Summary of reasons for granting permission**

The decision to grant planning permission has been taken because the Council considers that the application relates to the development of an allocated housing site within the built up area boundary. As such the proposal complies with the principles of Local Plan Policies H1 and H4. All matters are reserved for subsequent approval and there is no reason to suggest that other policies in the Local Plan relating to layout and design, highways, protection of trees etc cannot be met.

Outline permission was granted in 2007 for the development of the site and there has been no significant change in policy that would now warrant a refusal of renewal of that permission.

The decision to grant planning permission has also been taken having regard to all other relevant material planning considerations and to the following relevant policies and proposals in the Development Plan.

### **POLICIES RELEVANT TO THIS DECISION**

#### **High Peak Local Plan Saved Policies**

GD2 - Built up area boundaries

GD5 - Amenity

H1 - Principles of Housing Provision

H4 - Housing in Buxton

H5 - Housing within the Built up Area Boundaries

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H11 - Layout and Design of residential development  
OC10 - Trees and Woodlands  
TR5 - Access, parking and design

## Notes to Applicant

N/A

## Plans

The plans to which this Notice refers are listed below:

Location Plan

**Please Note:** This decision notice does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. **A fee is payable to us for the discharge of condition. Please refer to our web site : [www.highpeak.gov.uk](http://www.highpeak.gov.uk) for details.** If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a “condition precedent”. The following should be noted with regards to conditions precedent:

- (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
- (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.

Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.

The permission is granted in strict accordance with the approved plans. It should be noted however that:

- (a) Any variation from the approved plans following commencement of the development irrespective of the degree of variation will constitute unauthorised development and may be liable to enforcement action.
- (b) Variation to the approved plans will require the submission of a new planning application.

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## **APPENDIX 3**

# New Homes Bonus Calculator

High Peak

Current housing stock (Oct 10): 40,522  
 Net change in stock (Oct 10)<sup>1</sup>: 5  
 Affordable housing supply (09/10): 20  
 Stock of empty homes (Oct 10): 598  
 Affordability ratio (2010)<sup>2</sup>: 5.65

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Band	A	B	C	D	E	F	G	H	Total
Dwelling stock: (Oct 10)	21%	31%	21%	11%	9%	5%	2%	0%	40,522
Council tax: average national band (2010/11)	£959.48	£1,119.39	£1,279.31	£1,439.22	£1,759.05	£2,078.87	£2,398.70	£2,878.44	

## Payment for one year:

Lower tier

Upper tier

£16,119

£4,030

## Total net additions by band, including affordable homes:

Gross affordable housing units<sup>3</sup>  
(£350 per year premium):

0	0	0	14	0	0	0	0	14
---	---	---	----	---	---	---	---	----

Empty homes brought back into use<sup>4</sup>:

0	0	0	0	0	0	0	0	0
---	---	---	---	---	---	---	---	---

Traveller pitches<sup>5</sup>:

0								0
---	--	--	--	--	--	--	--	---

## Total payment over 6 years:

Lower tier

Upper tier

£96,716

£24,179

## Assumptions:

1. Net additional dwellings are calculated by subtracting effective stock (total stock less long-term empty homes) as recorded on the CTB in one year from the previous year. This illustration includes the change in long-term empty homes (also separated out for illustration). Please see page 21 of the consultation document for further details (<http://www.communities.gov.uk/publications/housing/newhomesbonusconsult>).

2. Affordability is measured by the ratio of lower quartile house price to lower quartile earnings (2010)

3. Affordable units comprise of social rent, intermediate rent and low cost home ownership and include both new build and acquisitions as measured by DCLG statistics (<http://www.communities.gov.uk/documents/housing/xls/1406068.xls>). This premium will be paid from year 2 onwards, rewarding affordable units delivered from April 2010 onwards).

4. If there is an increase in the number of long term empty homes, please enter this as a negative figure.

5. Payments for traveller pitches are based on national average band A plus an additional £350 per pitch per annum. This is for pitches on traveller sites owned and managed by local authorities or Registered Social Landlords.