HPK/2013/0319
HIGH PEAK
13 NOV 2013
BOROUGH COUNCIL

Freeth Cartwright LLP

High Peak Borough Council
Town Hall
Buxton
Derbyshire
SK17 6EL

POST ROOM
REC - 7 NOV 2013

Freeth Cartwright LLP
Solicitors
Cumberland Court
80 Mount Street
Nottingham NG1 6HH
United Kingdom

DX 10039 Nottingham 1

06 November 2013

Our Ref: SDC/1773/236989/27/M
Your Ref HPK/2013/0319

Dear Sirs

APPLICATION FOR REMOVAL OF A CONDITION FOLLOWING GRANT OF PLANNING PERMISSION

I write on behalf of Jalo Enterprises Co. Ltd to enclose an application for removal of a condition following grant of planning permission for a residential development on land at Hallsteads, Dove Holes (HPK/2013/0319).

This application seeks to remove Condition 18 which limits the development to 58 residential dwellings. The condition states:

"The maximum number of units accommodated on the site shall not exceed 58".

Justification for Removal of Condition

The application sought outline permission only, with all matters reserved for future consideration and, did not state that the proposals would deliver a fixed number of residential dwellings. The indicative masterplan was provided alongside the application to illustrate the potential number of units that could be accommodated on the site. This plan did not represent the maximum capacity of the site and was purely for illustrative purposes only to give the Planning Officers and Committee Members an indication of how the development might be laid out.

In accordance with Circular 11/95 and the six tests for conditions we find Condition 18 to be both unnecessary and unreasonable in all other respects. It is unnecessary as the application was for outline planning permission only and did not define a quantum of housing that could be delivered on the site. It is unreasonable as it restricts an efficient development that would maximise the delivery of housing on an appropriate site. Furthermore and, as stated in our planning statement, High Peak Borough Council cannot demonstrate a five

Offices at:
Birmingham
Derby
Leicester
London
Manchester
Milton Keynes
Nottingham
Oxford
Sheffield
Stoke On Trent

For full address details visit our website www.freethcartwright.co.uk

Direct dial: +44 (0)845 050 3696
Direct fax: +44 (0)115 859 9642
Switchboard: +44 (0)115 936 9369
Email: shaun.cuggy@freethcartwright.co.uk
www.freethcartwright.co.uk
Doc Ref: 15225546.doc

INVESTORS IN PEOPLE
Lexcel Practice Management Standard Law Society Accredited

Freeth Cartwright LLP is a limited liability partnership, registered in England and Wales, partnership number OC304688.

Registered Office: Cumberland Court, 80 Mount Street, Nottingham NG1 6HH.

Authorised and regulated by the Solicitors Regulation Authority.

A full list of the members of Freeth Cartwright LLP is available for inspection at the registered office.

Freeth Cartwright LLP

year housing supply. The development would look to contribute towards the Council meeting their 5 year land supply by delivering homes on an appropriate site.

If the Council did find it necessary to limit the number of dwellings on the site for any reason, then at the very least they should have approached the applicant in the first instance. Both parties could have then worked positively together towards achieving a suitable outcome, as required under the amended Development management Procedure Order.

In order to demonstrate the potential capacity of the site a revised outline site plan has been prepared which demonstrates that up to 123 residential dwellings could be delivered on the site, across both the applicants land and also the Council owned land. This would deliver a greater number of both market and affordable housing.

We respectively request that the condition be removed so that an unrestricted number of dwellings can be delivered on site as part of this permission. The final layout and number of dwellings to be delivered would later be fully assessed and discussed as part of a future reserved matters application.

Please find enclosed three copies of the following accompanying information:

- Application Form;
- Site Location Plan;
- Outline Site Plan (Scheme C);
- Notice Under Article 11 and Covering Letter; and
- A cheque to the value of £195.

Discussions have been held with Mr Mike Green prior to the preparation of this application in order to confirm our intentions and also the implications that the condition may have upon the permission.

I trust that the information provided is sufficient to allow for the application to be dealt with and for the condition to be removed. In the meantime, if you wish to discuss the application or require any additional information please do not hesitate to contact me.

Yours faithfully

[redacted]

Planning Assistant
Freeth Cartwright LLP
Please respond by e-mail where possible

Enc.