

Our Reference: 16_001_BH_Letter1

29 September 2017

High Peak Borough Council
Development Services
Buxton Town Hall
Market Place
Buxton
SK17 6EL

FAO: Rachael Simpkin

Dear Rachael

Application Reference: HPK/2017/0219

Address: Thorncroft, Lower Hague

Proposed Development: Demolition of outbuilding and erection of a single dwelling

With reference the matter outlined, please find attached for your consideration:

- Revised location plan
- Revised drawings (site layout, plans, elevations, CGIs)
- Revised Design and Access Statement
- Bat Survey
- Highways Access Appraisal

Revised red line boundary

To note, the red line has been altered, marginally, in order to accommodate land required for the visibility splays; drawing reference: PT138-101 (revision 102) refers. Detailed drawings showing the extent of the visibility splays which are being recommended in order to secure safe access to/egress from the site have been provided within the Highways Access Appraisal (Appendix 3).

We note your position on the matter of amending the red line, which requires us to withdraw and resubmit the application. We would like the Local Authority to reconsider its stance in this respect.

As you know, Ministerial advice on the subject of amending a planning application (including the red line boundary) is that it is sensible and time saving to allow applicants for planning permission to do so provided the amendments do not materially change the character of the development.

The changes to the red line do not alter the basis of the proposal that was originally the subject of advertising and consultation and as a matter of fact and degree we do not believe that they could be held to be material. We further note, specifically with reference to application NMA/2015/0014 as an example, that the Local Authority accepts minor changes to the red line boundary as 'non-material amendments' to planning permissions. We consider therefore that the alteration to the boundary can be treated as a non-material amendment for the purposes of the current application and we would respectfully suggest that there is no need for the applicants to withdraw and resubmit the application in order for the Local Authority to accommodate the changes.

In the case of application reference: HPK/2016/0648, we are aware that the location plan (red line boundary) did not include all of the land needed to accommodate the visibility splays, and although the applicants were, during the lifetime of the application, required to demonstrate that access to the development (proposing up to 37 dwellings) could be served by adequately designed visibility splays, it does not appear that they were asked to alter the red line boundary to accommodate said splays.

Referring to the Development Management Procedure Order we note the general requirement for the red line to identify the land to which the application relates and for other plans, drawings and information to describe the development (s.7, Part 3). By our own analysis and regardless of the planning practice **guidance** and any examples it may offer in relation to the types of information which could be included within a red line, there is in fact no requirement for the red line boundary

to be extended to include visibility splays, particularly if said information is to be provided on another plan or drawing. So, even if the Local Authority does in fact consider the change to the red line to be material in nature, noting the contents of the Development Management Procedure Order and the requirement for local authorities to be consistent in their approach when dealing with planning applications, the Applicants consider that there is no need to alter the red line to accommodate land visibility splays in any event.

Revisions to the proposal

The scheme has been revised; the revisions are described within the Design and Access Statement and detailed within the drawing package, reference: PT138-105 to 113 Revs P01 and P02; and reference: PT138-151 to 158 Rev P01.

To note, the building now occupies a footprint equivalent in area to the existing footprint of development on site and in terms of height sits lower in the landscape than the existing outbuilding.

We reiterate our stance that the development comprises limited infilling/redevelopment of previously developed land within the meaning of bullet point six of paragraph 89 of the National Planning Policy Framework (the NPPF). It is therefore not *“inappropriate”* development and it does not have to be justified by very special circumstances. The test is whether the development would have a *“greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development”*.

When determining impact on openness, particularly in a case where the site in question is already developed, matters of built footprint, volume and visual impact are all relevant material considerations. The revised scheme occupies the same footprint as the existing development and we have demonstrated (in drawings reference: PT138 -151 to 158) that the visual impact of the proposed development as compared to the existing development is negligible. So, in each of those regards, the development could not be said to have a greater impact on the openness of the Green Belt.

We accept that the proposed building will occupy a greater volume than the existing building, however in this regard we must remind the Local Authority that the building which is to be replaced, is located within the curtilage of an existing dwelling and is used for purposes incidental to the enjoyment of the dwelling. Permitted development rights at the property are intact. The current

owners of the dwelling would therefore be entirely within their rights to take down the existing building and replace it with something of much greater volume, certainly greater than that of the building now being proposed, without the need for planning permission.

Even if the Local Authority is minded to set aside our justification for the development under Paragraph 89, then noting that officers do not consider the site forms part of a village/settlement we must conclude that the site is therefore located within the open countryside and in this context we consider it appropriate to request that the Local Authority assesses the development in the context of Paragraph 55 of the NPPF. We consider the architects have, in line with the requirements of Paragraph 55 indeed delivered an exemplary piece of design, which is innovative in nature and of exceptional quality.

Bat survey

The Applicants have undertaken a daytime bat roost potential survey of the existing building as required and we can confirm that no evidence of the presence of bats has been found. You are referred to the report prepared by SLR Consulting Ltd for detail.

Highways matters

The Applicants have undertaken a detailed highway and access appraisal (including a traffic speed survey). The appraisal prepared by LTP consultants concludes that with minor adjustments to the walls either side of the entrance (walls over which the Applicants can claim control), adequate visibility splays can be achieved (paragraphs 3.1.2 to 3.1.5 at page 9 and Appendix 3 of the appraisal refer). The Applicants can confirm that they are happy for the detail (including the removal of any trees as required) of this element of the scheme to be conditioned.

On the matter of parking, the site plan has been revised to show how three parking spaces can be accommodated on site, a driveway of 5m will be maintained to and from the highway (shared with the existing dwelling) and cars will have adequate room to manoeuvre safely within the site.

In addition, there is ample room within the wider site to accommodate the manoeuvring requirements of a standard service delivery vehicle, including turning. The Applicants consider that this detail can be conditioned. As regards refuse collection, the Applicants are intending to move refuse out to the back edge of the highway ready for drive by collection as is the standard procedure in the wider community.

We trust that the revised drawings together with the additional detail will be placed on file and consulted upon accordingly and we trust that the Applicants' justification for the development will be given sufficient weight as a material consideration by the Local Authority moving forward.

No doubt you will revert should you require any further information or clarification.

Yours Sincerely

Susan Crowley

BA Arch, PG DURP, MRTPI