

DELEGATED DECISION REPORT

NMA/2021/0004 Valid 11/02/2021	FOXLOW FARM HARPUR HILL ROAD HARPUR HILL BUXTON	NON MATERIAL AMENDMENT TO PLANNING PERMISSION HPK/2013/0603 FOR THE REMOVAL OF THE EASTERN EMERGENCY ACCESS ONTO ASHBOURNE ROAD IN RELATION TO CONDITIONS 04 & 08; AND AMENDMENT TO CONDITION 06 TO REFER TO THE APPROVED PHASING PLAN DOCUMENT. (NON MATERIAL AMENDMENTS)
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MAIN ISSUES

- The main issue relates to whether the proposed amendment to the approved scheme is non-material in nature.

PROPOSAL

The application seeks a NMA (Non-Material Amendment) to planning approval to planning permission HPK/2013/0603 for the removal of the eastern emergency access onto ashbourne road in relation to conditions 04 and 08 and amendment to condition 06 to refer to the approved phasing plan document.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2017/0590 - Submission of reserved matters relating to the appearance, landscaping, layout and scale for the whole of the residential phase of the development (395 dwellings) pursuant to outline planning permission HPK/2013/0603. Approved with conditions and s106 legal agreement variation 28th June 2019.

The deed of variation removes the requirement to install an onsite MUGA (together with consequential amendments) and provides for a contribution of £50,000 in lieu of the on-site provision to be applied to the Cote Heath Skate Board park.

HPK/2013/0603 - Mixed use development comprising residential development comprising up to 375 dwellings; a residential care and/or retirement facility comprising up to 70 units and ancillary facilities to be occupied for any use or combination of uses within classes C2 and C3 of the town and country planning (use classes) order 2010, and a local centre comprising up to 2,500sqm of retail, food and drink and business uses to be occupied for any use or combination of uses within classes a1 to A4 and class B1 of the town and country planning (use classes) order 2010, with no individual class A1 convenience retail unit (foodstore) exceeding 500sqm and no more than 600sqm of class A1, A2 and/or A3 floorspace, 580sqm of class A4 floorspace and 1,000sqm of class b1 floorspace being developed in total, and up to 1,000sqm of community uses to be occupied for any use or combination of uses within class D1 of the town and country planning (use classes) order 2010, excluding art galleries, museums and leisure and cultural uses (and any other use constituting a main town centre use as defined by annex 2 of the National Planning Policy Framework March 2012, together with associated access, car parking, open space and landscaping (outline - large-scale major apps).

Approved with conditions and s106 legal agreements (planning and highways) dated 4th November 2014.

CONSULTATIONS

N/A

OFFICER COMMENTS

There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The Local Planning Authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.

The application seeks a NMA (Non-Material Amendment) to planning approval to planning permission HPK/2013/0603 for the removal of the eastern emergency access onto ashbourne road in relation to conditions 04 and 08 and amendment to condition 06 to refer to the approved phasing plan document.

Condition 04 (original)

4. The development hereby permitted shall not be carried out except in accordance with Location Plan 5394-L-01 rev C and the access details as shown on drawing references:

Proposed Site Access Arrangements' 60286491/LP/001 Rev A (as provided in the revised Transport Assessment dated February 2014), the other access points as

shown on Illustrative Masterplan 5394-L-03 Rev E and with such other access points to be provided in accordance with the agreed phasing plan.

Condition 04 (proposed)

4. The development hereby permitted shall not be carried out except in accordance with Location Plan 5394-L-01 rev C and the access details as shown on drawing references:

Proposed Site Access Arrangements' 60286491/LP/001 Rev A (as provided in the revised Transport Assessment dated February 2014), the other access points as shown on Illustrative Masterplan 5394-L-03 Rev F and with such other access points to be provided in accordance with the agreed phasing plan.

Condition 06 (original)

6. A phasing plan for the whole development shall be submitted to and approved in writing by the Local Planning Authority before or as part of the first application for reserved matters within the application site. The phasing plan development shall be carried out in accordance with the Phasing Plan approved under this condition.

Condition 06 (proposed)

6. The development hereby approved shall be carried out in accordance with the Approved Foxlow Farm, Buxton - Phasing Plan for the whole site.

Condition 08 (original)

8. No development shall take place within any phase until such time as a phasing plan for the proposed vehicular (including emergency), pedestrian and cycle path access points (the subject of Condition 4 above) and links has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained in accordance with the timing/phasing arrangement embodied within the scheme.

Condition 08 (proposed)

8. No development shall take place within any phase until such time as a phasing plan for the proposed vehicular, pedestrian and cycle path access points (the subject of Condition 4 above) and links has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained in accordance with the timing/phasing arrangement embodied within the scheme.

It is therefore concluded that the changes are not material in nature within the context of the overall development and comply with Adopted Local Plan CF6 'Accessibility & Transport' in particular and the National Planning Policy Framework in these regards.

CONCLUSION

In summary, it is considered that within the context of the original application, the proposed changes are not of a material nature and fall comfortably within the scope of a non-material amendment application.

Therefore it is recommended that this application be approved.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Rachael Simpkin

Recommendation Date: 24/03/2021

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council