



High Peak Borough Council
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Abigail Kos
Smith & Love Planning Consultants
32 Winckley Square
Preston
PR1 3JJ

Mr Staley
C/O Agent

Application no: NMA/2021/0004

Determined on: 24/03/2021

Town and Country Planning Act 1990 (as amended)

NON MATERIAL AMENDMENT FOR DEVELOPMENT

Location of Development:

Foxlow Farm Harpur Hill Road Harpur Hill Buxton Derbyshire SK17 9LE

Description of Proposal:

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 and 08 and amendment to condition 06 to refer to the Approved Phasing Plan document.

In pursuance of its powers under the above Act, the Council hereby **Approves** the proposed non material amendment for the above development in accordance with the application validated by the Local Planning Authority on 11/02/2021, plans accompanying the application numbered 5394-L-01 rev C and 394-L-03 rev F and the revised condition wording as set out below:

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 Approved Phasing Plan.

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

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

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

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)





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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.

Reason:- To ensure that adequate provision is made for parking within the site in the interests of highway safety, in accordance with Policy CF6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

The applicant is advised that this Decision Notice should be read in conjunction with the Decision Notice approving planning application ref. HPK/2013/0603 and that any conditions attached to that permission still apply

The relevant s106 agreement dated 3rd November 2014 should be complied with within the timescales, conditions, financial considerations etc set out in the agreement.

Informative(s)

1. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraph 38 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council





NOTES

1. This decision notice does not convey any approval or consent which may be required under any enactment, bye-laws, order or regulation other than Section 96A of the Town and Country Planning Act 1990.
2. The application is approved 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.
3. This application is approved and may be subject to conditions from the original decision notice. 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 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.
4. Any other conditions on this approval 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.