

DELEGATED DECISION REPORT

NMA/2021/0005
Valid 22/02/2021

FOXLOW FARM HARPUR
HILL ROAD
HARPUR HILL
BUXTON

**NON MATERIAL AMENDMENT
TO PLANNING PERMISSION
REF. HPK/2017/0590 TO
AMEND BOUNDARY
TREATMENT DETAILS
INCLUDING PROVISION OF
NATURAL DRYSTONE
BOUNDARY WALL AT SITE
ENTRANCE FOR CONDITION
08 AND REFER TO HARPUR
HILL ROAD FOR CONDITION
21.**

**(NON MATERIAL
AMENDMENTS)**

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/2017/0590 for the to amend boundary treatment details including provision of natural drystone boundary wall at site entrance for Condition 08 and refer to Harpur Hill Road for Condition 21.

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/2017/0590 for the to amend boundary treatment details including provision of natural drystone boundary wall at site entrance for Condition 08 and refer to Harpur Hill Road for Condition 21.

For condition 08, the applicant proposes the following boundary amendments:

- Type 9 –timber knee rail to the Ashbourne Road frontage SUDS basin,
- Type 10 – 1200mm fence above retaining walls to replace post in rail in rear gardens: Plots 65,129 and 131 (Section A); Plots 274,286,270,350 (Section B); Plots 30,189 and 90 (Section C) and Plots 270,274,286,249 and 266

(Section D) and Plot 395 Section E & F. Following agreement with the applicant, Plots 383-388 will utilise a 1200mm reconstituted stone wall owing to their countryside edge location.

- Type 12 - 1200mm reconstituted wall above retaining walls facing the highway, and,
- Natural Drystone wall to site entrance corner (north) set back from the vehicular development entrance visibility splay from the Ashbourne Road.

The applicant has confirmed that the reconstituted stone walling will match the facing material to the relevant dwelling plot and the missing elevation for the drystone wall to the site entrance has been provided.

Condition 08 (original)

8. All hard and soft (hedgerow) boundary treatments shall be carried out in accordance with the approved details shown on drawing refs:

- L(90)900 Landscape Plan Section A Rev C
- L(90)901 Landscape Plan Section B Rev C
- L(90)902 Landscape Plan Section C Rev C
- L(90)903 Landscape Plan Section D Rev C
- L(90)904 Landscape Plan Section E Rev E
- L(90)905 Landscape Plan Hedgerow Detail Rev B

The boundary treatment scheme shall be implemented in accordance with the approved details prior to the occupation of the dwelling to which it relates and shall be maintained for those purposes at all times thereafter in accordance with the approved Landscape and Habitat Enhancement & Maintenance Plan 'Site Wide & Public Open Space' as per Condition.

Condition 08 (proposed)

8. All hard and soft (hedgerow) boundary treatments shall be carried out in accordance with the approved details shown on drawing refs:

- *L(90)900 Landscape Plan Section A Rev F*
- *L(90)901 Landscape Plan Section B Rev F*
- *L(90)902 Landscape Plan Section C Rev F*
- *L(90)903 Landscape Plan Section D Rev F*
- *L(90)904 Landscape Plan Section E Rev H*
- *L(90)905 Landscape Plan Hedgerow Detail Rev E*
- *53016 D171 Rev M Boundary Details*
- *53016-DSWP1 Rev B Drystone Walling Elevation*

The boundary treatment scheme shall be implemented in accordance with the approved details prior to the occupation of the dwelling to which it relates and shall be maintained for those purposes at all times thereafter in accordance with the approved Landscape and Habitat Enhancement & Maintenance Plan 'Site Wide & Public Open Space' as per Condition.

Condition 21 (original)

21. There shall be no general vehicular access permitted under this application to Burlow Road to or from the development site, other than a route for emergency vehicles, cycles and pedestrians only in accordance with a scheme, including a timetable for implementation, to be submitted to and approved in writing by the Local Planning Authority before the preparation of ground levels. The approved scheme shall be undertaken and completed in accordance with the agreed timetable and shall thereafter be retained as such at all times.

Condition 21 (proposed)

21. There shall be no general vehicular access permitted under this application to Harpur Hill Road to or from the development site, other than a route for emergency vehicles, cycles and pedestrians only in accordance with a scheme, including a timetable for implementation, to be submitted to and approved in writing by the Local Planning Authority before the preparation of ground levels. The approved scheme shall be undertaken and completed in accordance with the agreed timetable and shall thereafter be retained as such at all times.

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 Policies EQ2 'Landscape Character', EQ6 'Design and Place Making' and CF6 'Accessibility & Transport' in particular and also 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: 26/03/2021

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council