



High Peak Borough Council

working for our community

Application for Removal or Variation of a Condition following Grant of Planning Permission or Listed Building Consent

Town and Country Planning Act 1990 (as amended); Planning (Listed Buildings and Conservation Areas Act) 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)

Northing (y)

404581

382649

Description

Land opposite Alderbrook Day Centre, Buxton Road, Chinley

Applicant Details

Name/Company

Title

Mr

First name

Alastair

Surname

Sommerville

Company Name

Urban Group Ltd

Address

Address line 1

Urban House

Address line 2

Hull Road

Address line 3

Dunnington

Town/City

York

County

Country

Postcode

YO19 5LP

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

Contact Details

Primary number

Secondary number

Fax number

Email address

Agent Details

Name/Company

Title

Miss

First name

Kirsty

Surname

Medcraft

Company Name

Bowker Sadler Partnership

Address

Address line 1

Hatherlow House

Address line 2

Hatherlow

Address line 3

Town/City

Romiley

County

Country

Postcode

SK6 3DY

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

***** REDACTED *****

Description of the Proposal

Please provide a description of the approved development as shown on the decision letter

Outline planning permission with all matters reserved for proposed residential development.

Reference number

HPK/2016/0692

Date of decision (date must be pre-application submission)

07/11/2017

Please state the condition number(s) to which this application relates

Condition number(s)

Condition no. 25.

Has the development already started?

☒ Yes

☐ No

If Yes, please state when the development was started (date must be pre-application submission)

03/10/2022

Has the development been completed?

☐ Yes

☒ No

Condition(s) - Variation/Removal

Please state why you wish the condition(s) to be removed or changed

Outline approval for up to 25 dwellings on the site was received in November 2017, thus establishing the principle of housing and associated hard surfacing on what was a previously undeveloped site. Within that approval, condition 25 required a "detailed scheme of ecological mitigation, compensation and enhancement including on site mitigation and/ or for off site offsetting, including identification of any receptor sites and arrangements to secure the delivery of any offsetting measures and or compensation agreements with the Environment bank for the minimum agreed credits." The reason for the condition was given as mitigating against the loss of existing biodiversity and nature habitats in accordance with Policy EQ5 and para 17 and section 11 of the National Planning Policy framework.

Policy EQ5 states that opportunities for biodiversity will be sought and within Para 5.34 of that policy text it refers to minimising impacts and providing net gains where possible. No Habitat Regulations Assessment was deemed necessary at the time of the application. The site is not in greenbelt, a conservation area, an International, European or nationally important landscape setting, nor is it in an SSSI, nor is at a regionally or locally designated site. The policy also refers to "encouraging development to include measures to contribute positively to overall biodiversity" No specific targets are identified within policy EQ5. The NPPF applicable at the time of the approval and when the condition was drafted was the original March 2012 version. Assuming the condition should be measured against this version, namely and within Para 7 and section 11 it refers to minimising impacts on biodiversity and providing net gains where possible.

Proposals for on site ecological mitigation have been explored with an ecologist and we cannot physically achieve the required amount of mitigation within the site constraints, based upon the application approved. We have also explored off-site mitigation, of which there are no Habitat Banks within the High Peak Council boundary, and won't be within the timeframe of this project. An opportunity was provided for a site in the Bolton area, 40 miles away from the development site, but at a cost that would have made this affordable housing project financially unviable. We therefore wish to apply for this condition to be removed.

If you wish the existing condition to be changed, please state how you wish the condition to be varied

We wish for the condition to be removed.

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☐ Yes
☒ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☒ The agent
☐ The applicant
☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☒ Yes
☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

***** REDACTED *****

First Name

***** REDACTED *****

Surname

***** REDACTED *****

Reference

Date (must be pre-application submission)

07/09/2022

Details of the pre-application advice received

A meeting was held to discuss the options we had explored for the ecological mitigation, at which point it was advised that we could change the timing of the condition to pre-occupation, which would then allow us to make a start on site and also give us time to apply for the condition to be removed.

Ownership Certificates and Agricultural Land Declaration

Certificates under Article 14 - Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended)

Please answer the following questions to determine which Certificate of Ownership you need to complete: A, B, C or D.

Is the applicant the sole owner of all the land to which this application relates; and has the applicant been the sole owner for more than 21 days?

☒ Yes

☐ No

Is any of the land to which the application relates part of an Agricultural Holding?

☐ Yes

☒ No

Certificate Of Ownership - Certificate A

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner* of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

* "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.

** "agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act.

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

Person Role

☐ The Applicant

☒ The Agent

Title

Miss

First Name

Kirsty

Surname

Medcraft

Declaration Date

25/04/2023

☒ Declaration made

Declaration

I / We hereby apply for Removal/Variation of a condition as described in this form and accompanying plans/drawings and additional information. I / We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine options of the persons giving them. I / We also accept that: Once submitted, this information will be transmitted to the Local Planning Authority and, once validated by them, be made available as part of a public register and on the authority's website; our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Kirsty Medcraft

Date

05/05/2023