

## DELEGATED DECISION REPORT

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**HPK/2023/0508**  
**Valid 29/11/2023**

**FOXLOW FIELDS**  
**HARPUR HILL**  
**BUXTON**

**RETENTION OF WORKS TO  
FACILITATE THE USE OF  
PLOTS 88, 89 AND 90 TO  
CREATE A SHOW HOME  
SALES COMPLEX TO SERVE  
THE RESIDENTIAL  
DEVELOPMENT FOR A  
TEMPORARY PERIOD OF  
FOUR YEARS**

**(FULL - MINOR)**

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### MAIN ISSUES

- Character and Appearance
- Amenity (adjoining neighbours)
- Highway Safety

### PROPOSAL

The applicant is seeking temporary planning permission for the retention of works carried out for the creation of a sales and show home complex at Foxlow Fields, Harpur Hill, Buxton. The consent is sought for a period of up to four years to allow for the sales area and show homes to be used for the duration of the development. Upon completion of the development, the affected plots: 88, 89 and 90 would be remediated in line with the approved plans and the temporary boundary treatments and associated works removed as stated by the applicant within their submission.

A revised plan showing the scope of the temporary works has been included as part of this application (ref. Sales Area Plan Rev F) as received on the 19<sup>th</sup> December 2023. A further plan properly showing railings as built was submitted by the applicant on the 26<sup>th</sup> January 2024.

### SITE

The affected plots: 88, 89 and 90 comprise of the show home sales office and premises on the corner plot of Church Meadow with The Woodfield. The show home complex continues to include nos. 1 and 3 The Woodfield and their rear gardens which lie opposite the green buffer/ SuDs pond with The Woodfield forming the development's residential frontage with Ashbourne Road. Construction of this large scale mixed use development comprising of 395 homes and Local Centre is well underway. Aspects of the residential scheme are now occupied and Aldi supermarket is operational at this consented edge of settlement site. Buxton's Community Fire Station, B&Q and Staden Lane Industrial Estate is broadly located opposite, to the

northeast site of Ashbourne Road. The scheme lies within the Adopted Local Plan Built Up Area Boundary of Buxton and also site allocation DS20 Land off Ashbourne Road and Foxlow Farm, Buxton. In addition, it falls within the nutrient neutrality catchment area and groundwater source protection zone for Buxton.

## **PLANNING HISTORY**

### *NMA/2023/0023:*

Application for Non-material Amendment (PV Solar Panels) following planning permission re.: HPK/2017/0590. PENDING.

### *NMA/2022/0011:*

Non-Material Amendment to HPK/2017/0590 for revised design of the boundary treatment and retaining structure between the rear gardens of 3 to 25 The Woodfield and 72 to 79 Cairn Drive and changes to the finished floor levels of the houses as built at 70, 72, 74, 76, 78, 80, 90 and 92 Cairn Drive. PENDING.

### *NMA/2022/0022:*

Application for Non-Material Amendment in regards to HPK/2017/0590 - Changes to the finished floor levels of the houses as built at 34, 47, 49, 52, 54 to 57, 59, 62, 64, 66, 68 and 94 Cairn Drive. PENDING.

### *NMA/2021/0001:*

Non material amendment to HPK/2017/0590 in relation to Condition 02 plot substitution: Plot 86 and 87 to affordable dwellings and Plots 94 and 95 to market dwellings APPROVED 53016 D01 Site Plan - Proposed Site Layout Revision ABA dated 03.03.21.

### *NMA/2021/0004:*

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 APPROVED 5394-L-01 rev C and 394-L-03 rev F and revised condition wording 04, 06 & 08 dated 24.03.21.

### *NMA/2021/0005:*

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 APPROVED 26.03.21.

The Non-Material Amendment Decision Notices should be read in conjunction with the Decision Notices approving planning applications refs. HPK/2013/0603 and HPK/2017/0590 and as a consequence any conditions attached to such permissions will remain applicable.

### *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.

The relevant s106 agreement dated 3rd November 2014 and any subsequent amendments should be complied with within the timescales, conditions, financial considerations etc. as set out within the legal agreement.

### **CONSULTATIONS**

County Highways – No objections

### **PLANNING POLICIES RELEVANT TO THE DECISION**

#### **Adopted High Peak Local Plan 2016**

S1 – Sustainable Development Principles  
S1a – Presumption in Favour of Sustainable Development  
S2 – Settlement Hierarchy  
S7 – Buxton sub area strategy  
EQ1 – Climate Change  
EQ2 – Landscape Character  
EQ5 – Biodiversity  
EQ6 – Design and Place Making  
EQ7 – Built and Historic Environment  
EQ9 – Trees, Woodland and Hedgerows

EQ10 – Pollution Control and Unstable Land  
CF6 – Accessibility and Transport  
DS20 - Land off Ashbourne Road and Foxlow Farm, Buxton

### **Supplementary Planning Document(s) / Guidance (SPDs / SPG)**

Residential Design Guide SPD 2005  
Landscape Character SPG 2006  
High Peak Design Guide SPD 2018

### **OFFICER COMMENTS**

Section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990. Section 38(6) requires the Local Planning Authority to determine planning applications in accordance with the development plan, unless there are material considerations which 'indicate otherwise'. Section 70(2) provides that in determining applications the Adopted Local Planning Authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations". The Development Plan for the borough consists of the Adopted High Peak Local Plan dated April 2016.

The applicant seeks consent for an industry standard approach for the marketing / sales of new residential developments on larger sites under construction by temporarily retaining a limited number of adjoining, completed plots of example house types for such purposes within a secure environment sited at the development's frontage.

In these regards, the applicant has utilised the corner plot (house type 1244) no. 88 Church Meadow / The Woodfield for its sale office with 3 sales and visitor car parking spaces (including a single disabled space) served from Church Meadow and therefore occupying the space consented for its rear garden, including a 1.8m garden 'side' boundary wall and street facing amenity landscaping, which have not been implemented. Instead, the north 'side' aspect of the sales complex is secured by 1.8m ball top railings with a black finish to the back of the visitor parking area. The visitor car parking is considered to be adequate particularly given the assumed nature of appointment only viewings for property sales.

In addition, there is no common boundary treatment between rear gardens for show home plots 88, 89 (house type 857) and 90 (house type 740).

The applicant's intention is to create a secure environment for show home viewing, with permitted access from the sales office only and in turn this allows visitors unaccompanied access to view house type examples. In these regards, frontage boundary ball top 1.2m railings with a black finish create a secure area leading from the front door of the sales office to plots 89 and 90 to effectively corral visitors along the pedestrian footway between such plots.

The temporary arrangements would, however, result in the loss of two car parking spaces in relation to plots 88 and 89 whilst plot 90 car parking (two spaces) has been

allocated for staff parking with regard to the show home / sales complex whereby such plots relate to show homes rather than occupied dwellings to raise no concern in these regards. County Highways have raised no objections to the scheme as confirmed above.

In terms of character and appearance matters, the 1.8m railings to the rear of the show home complex parking area are incongruous in appearance for this edge of settlement site within the White Peak area. In addition, the railings are prominently viewed, particularly when leaving the local centre opposite, whilst their permeable nature allows for ordinarily hidden views into rear gardens, including more apparent views of close boarded fencing. Clearly, this would not be the case for the consented 1.8 metre artificial stone wall, which secures design quality and is considered to be appropriate for its context.

Notwithstanding these concerns, the applicant does not consider it appropriate to construct the consented wall in a setback position for a temporary period only whereby demolition would be required following the reinstatement of the wall within its approved position following expiry of the temporary consent.

In addition, the permeable views into rear garden spaces owing to a railing rather than solid boundary treatment relates to show homes plots only whereby landscaping has been undertaken to mitigate this impact to some degree whilst show home plots are unoccupied to raise no adverse amenity concerns in these regards.

The operational aspect of the scheme is unlikely to cause an amenity concern to adjoining neighbours given visitors movements are likely to be akin to the comings and goings of a normal householder. In addition, whilst hours are unspecified the nature of the use means it is unlikely to be operated during anti-social times.

The temporary consent for the show home complex for a period of 4 years is considered to be acceptable in the context of the overall scale of the residential build out for 395 homes as well as the challenging topography of the application site requiring more substantial engineering works.

The site lies within the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC). The Council has been notified that action must be taken to address exceedances of phosphorus in the River. As such, the Council cannot grant consent for development unless it can rule out "likely significant effects" on the SAC. A Habitats Regulations Assessment (HRA) will be required when the plan or project creates a source of water pollution or has an impact on water quality and when it is within the catchment of the SAC. Initially, a screening assessment will be required to consider if "likely significant effects" (alone or in-combination) on the SAC can be ruled out. If not, this will be followed by an "Appropriate Assessment" where the impact of the plan or project is considered in detail.

### Screening Assessment

The proposal is not directly connected with or necessary for the conservation management of a European site. The proposal will not increase overnight stays or surface water run-off from the site. Therefore it will not risk having a significant

negative effect on the SAC either on its own or in combination with other proposals and therefore it is not necessary to carry out an Appropriate Assessment.

## **CONCLUSION / PLANNING BALANCE**

Accordingly, the scheme, on balance, seeking temporary consent for the show home complex for a period of 4 years is considered to be acceptable in the context of the Adopted Local Plan EQ6 'Design and Placemaking' in particular, as well as the National Planning Policy Framework (NPPF).

The marketing advertisements to the show home complex / wider site have not been dealt with as part of this assessment and will require separate consideration with regard to the advertisement regulations.

Accordingly, the proposal would accord with the provisions of the development plan when taken as a whole, and there are no other considerations, including the National Planning Policy Framework (NPPF), which outweigh such compliance and therefore the application should be approved.

**OFFICER RECOMMENDATION:      APPROVE**

**Case Officer: Rachael Simpkin**

**Recommendation Date: 29<sup>th</sup> January 2024**

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Signed by: Ben Haywood

**On behalf of High Peak Borough Council**