

High Peak Borough Council
Planning Department
Buxton Town Hall
Market Place
Buxton
Derbyshire
SK17 6EL

For the attention of Mr D. Cleary

11 March 2024
EP ref: 24-010

Dear Declan

Re: Oaklands Manor, Manchester Road, Buxton, Derbyshire – application ref: HPK/2024/0022

This letter sets out our comments on the consultation responses submitted for the above application. We request that our comments are taken into consideration when assessing the merits of the application.

As set out clearly in our planning statement, this application seeks a variation of condition 3 on the approved scheme (application ref: HPK/2023/0233). The principle of the change of use of the site to an activity-based residential home is accepted by the council. The only matter for consideration is the effect of varying Condition 3 to allow 8 children, as was originally applied for, rather than 4. In addition, our statement provides an assessment of why the condition fails the test of necessity and reasonableness as set out in national planning policy.

The comments of one objector refer to select paragraphs from our planning statement. Clearly, these are taken out of context and on this basis are misleading. For example, paragraph 1.2 of our statement refers to the description used on the decision notice. This paragraph should be read in the context of the rest of the paragraphs in Section 1.

The same applies to the comments made concerning paragraph 1.3. The update report dated 23 October 2023 is clear. It states, *"The description of development was changed prior to the validation of the application and proposed description in the Committee Report is an error."* Details of the description of development and the re-consultation process were provided in the committee report for the December meeting. This states that the council's legal advice, post-committee, was to re-consult using the correct description clarifying that the changes were not fundamental to the overall use of the site. It is important to note that we requested copies of all consultation letters sent by the local authority as part of the previous application, given that copies were not available on the council's website. The council has not provided any letters to date; if they had done so this would have clarified matters.

The comments referring to a '*distrust between the applicant and local residents*' as a result of the information provided in our statement are also unjust. Our statement sets out the background to the current application including the reasons why the condition should be varied; the proposed use would operate in the same way as that presented previously under the approved scheme. This was also set out in both committee reports, the update report for the December committee meeting and clarified by the applicants at committee. To resurrect previous queries about the operation of the use as a basis to undermine the applicant's reputation is unacceptable.

The comments relating to a lack of infrastructure to support the proposal were addressed as part of the approved scheme. The original application, based on 8 occupants, was deemed to be acceptable in principle in terms of its location and, the officer states "*There is no evidence to suggest that such a use would be a burden on services and facilities.*" There is no reason to take a different view with the current application.

Finally, it is unclear why one objector considers the use for 8 occupants would be 'disastrous for the town and residents' and would not be 'achievable', given that the principle of sustainable development and delivery of housing that supports an inclusive community has already been accepted by the council on the basis of a policy compliant proposal.

Yours sincerely
Emery Planning

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