

Mr James Stannard
High Peak Borough Council - Planning
Buxton Town Hall
Market Place
Buxton
Derbyshire
SK17 6EL

26 February 2026
EP ref: 23-470

Dear Mr Stannard

Re: Land adjacent to Brown Edge Close, Buxton, SK17 7AF (HPK/2024/0496)

1. We refer to the above planning application which was deferred by Development Control Committee on 23rd February 2026 to enable additional information to be provided to Members of the committee on the following matters:
 - a) Bin storage and collection in relation to the initial AES response
 - b) Flood risk and lack of response from Severn Trent
 - c) Land instability and lack of response from Network Rail
2. Our understanding is that when the application returns to committee that the discussion will be limited to these three items only.
3. We set out our understanding of each of these matters below and also provide a summary of the 2017 appeal decision. Items b) and c) above were considered as part of this appeal and found to be acceptable, there is no reason to reach a different conclusion in respect of this application.
 - a) **Bin storage and collection**
4. Following receipt of the consultation response from AES on 16th December 2024, we wrote to the local planning authority on 16th January 2025 explaining that the tracking information had been provided within the highways technical note submitted with the application.
5. The response from AES states that collection vehicles are unable to access unadopted highway unless an indemnity form has been completed by the developer. There would be a private road/unadopted road

liability insurance that would cover liability for damage to vehicles caused by defects such as potholes, uneven surfaces, lighting faults etc.

6. We would also add that the initial consultation response from DCC highways requested amended visibility splays. A revised proposed site plan was submitted on 5th February 2025 showing the proposed visibility splays and dropped kerbs as requested. Following the submission of this plan, DCC highways raised no objections and concluded that there would not be an unacceptable impact on highway safety as a result of the proposals.

b) Flood risk and lack of response from Severn Trent

7. Members of the committee asked why a flood risk assessment had not been submitted with the application when there was one with the previous application. The reason for this, is that the current application is smaller than the previous application on the site and is not a major development. The site is within Flood Zone 1, which is at the lowest risk of flooding and below the threshold to trigger the need for the assessment.
8. Members also questioned the lack of response from Severn Trent. The application was submitted in December 2024, the lack of a response from Severn Trent should not be a reason to delay a decision or refuse permission although we are aware that officers are now actively seeking a response.
9. It is of relevance, that there was no objection from Severn Trent subject to a condition in relation to the earlier application (HPK/2015/0471) for 20 houses on the site. The proposed condition was as follows:

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

10. There is no material change in circumstances in relation to policy or the site to indicate that drainage cannot be dealt with by condition.
11. Furthermore, the Lead Local Flood Authority was also satisfied that drainage could be dealt with by condition in respect of the earlier application. The same conclusion should apply in relation to this application.

c) Land instability and lack of response from Network Rail

12. Members of the committee asked for additional information on land stability and questioned the lack of response from Network Rail.
13. Again, the application was submitted in December 2024 and the lack of a response from Network Rail should not be a reason to delay a decision or refuse permission. We note that officers are seeking a response.
14. Network Rail did response to planning application HPK/2015/0471 and raised no objections subject to conditions. The earlier application was for a larger site with development closer to the railway line than proposed by this application. In this context, this development should also be considered acceptable.
15. There is no evidence to suggest that the land is unstable and that additional evidence is required pre-determination. Network Rail had requested conditions for the earlier application in respect of vibro-

impact machinery, ground works and excavations to ensure that there would be no impact on the railway line during construction. Again, a similar approach could be taken.

Previous appeal decision

16. It is well established in case law that previous planning decisions are capable of being material considerations and may need to be taken into account by local planning authorities in determining subsequent applications for permission. Consistency in decision making is a fundamental pillar of the planning system and it is important to developers, development management authorities and also for the purpose of ensuring public confidence in the operation of the system.
17. The sole reason for refusing the earlier application and the dismissal of the appeal related to the proposal for 20 x 2/3 storey houses being visually prominent on the site. This revised submission addresses that reason for refusal by reducing the quantum of development to 5, single storey bungalows. Officers are satisfied that this matter is resolved by this application in the context of the tilted balance and this was not contested by Members at the meeting.
18. In respect of the earlier application for 20 dwellings on the site, the local planning authority and statutory consultees considered the proposal acceptable in respect of drainage and matters relating to the railway line. This was not a matter disputed as part of the appeal.
19. Furthermore, these technical matters, and indeed all technical matters, were considered by the Inspector and found to be acceptable. The Inspector stated:

29. There was significant local concern raised in relation to the potential effect of the proposed development on the capacity of the local road network and highway safety. However, based on all the evidence before me and the observations during my site visits, I am satisfied that any increase in traffic from the proposed development would not result in harm to highway safety. Moreover, this is consistent with the Highways Authority who raised no objection in relation to capacity or highway safety subject to a number of suitably worded conditions.

30. Similarly the Council do not have concerns regarding land stability and consider that drainage/flooding matters could be dealt with by the use of appropriate conditions. Having read their original committee report and the evidence submitted with the appeal nothing leads me to a different conclusion on these matters.

31. A number of additional issues were raised by local residents, including viability; access for the collection of refuse; noise and disturbance from building work and future occupiers; overlooking and overshadowing; the need to import/export waste and material; loss of the dry stone wall; effect on wildlife and access to the site in bad weather. However, no technical or substantive evidence was presented on these matters and as a result I can only give them limited weight when reaching my conclusions.

20. There is no material change in circumstances in relation to technical considerations that would render the impact of the current development proposal unacceptable in comparison with the previous scheme.
21. We trust that this is of assistance, please advise if any further information is required from us to enable the application to return to committee.

Yours sincerely
Emery Planning

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