

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

Date 23rd February 2026

Application No:	HPK/2024/0496	
Location	Land off Brown Edge Close, Buxton	
Proposal	Construction of 5 single-storey dwellings and associated works	
Applicant	Mr and Mrs Singh / Kaur Sandhu	
Agent	Emery Planning	
Parish/ward	Corbar Ward	Date registered 9 th Dec 2024
If you have a question about this report please contact: James Stannard, Tel. 01298 28400 extension 4298, james.stannard@highpeak.gov.uk		

1. SUMMARY OF RECOMMENDATION

Approve subject to S106 Agreement and Conditions

1. REASON FOR COMMITTEE DETERMINATION

- 1.1 This application has been brought before the Development Control Committee owing to significant public interest in the application

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 2.1 The application relates to a rectangular parcel of agricultural land situated east of Brown Edge Road and north of Brown Edge Close, Buxton.
- 2.2 Brown Edge Road presents a pattern of ribbon development characterised by semi-detached two storey hipped properties that date from the mid 20th Century that extends northwards on the eastern side of the public highway.
- 2.3 The properties are orientated such that the rear elevations and gardens look outwards towards the site and open agricultural land beyond.
- 2.4 The topography of the site is such that it slopes away from the rear boundaries of properties on Brown Edge Road to the valley floor, which is defined by the Buxton-Manchester railway line, with the Buxton and High Peak Golf Club and A6 road situated beyond.
- 2.5 The Topographic Survey submitted with the application shows the roof level of existing properties on Brown Edge Road to be approximately 331m, with the western boundary of the application site (shared with the rear garden boundary) having a level of approximately 326m.

- 2.6 The southern boundary of the site is shared with properties on Brown Edge Close and its associated turning head at the end of the cul-de-sac. The nearest property No.3 Brown Edge Close has a roof level which is broadly consistent with properties on Brown Edge Road,
- 2.7 The finished floor level level of the turning head on Brown Edge Close, which would serve as the vehicular access point for the proposed development is approximately 325m, with the area of the site earmarked for housing development sitting below this level (324m).
- 2.8 The site lies outside of the built-up area boundary and in the open countryside.
- 2.9 The site has been subject to a relatively recent planning application which sought to secure Outline planning permission for residential development, with all matters other than Access being reserved under HPK/2015/0471. A screenshot of the indicative Site Plan relating to this application is shown below



Above: Indicative Site Plan subject to determination under HPK/2015/0471

- 2.10 This Outline application was refused on 23rd February 2016 for two reasons, which as set out on the Decision Notice, read as follows:
1. *The proposed development would be visually intrusive in the landscape and fails to respect local landscape character. The development would result in an undesirable expansion and*

encroachment, outside of the built-up area boundary for Buxton, into the open countryside. As such the development would erode the visual appearance and character of the open countryside contrary to Policies H1, OC1, OC3, OC4, GD4 and H11 of the Local Plan Saved Policies (2008), Policies H1, S7, EQ2, EQ3 and EQ5 of the Emerging Local Plan and advice contained within the adopted Landscape Character Assessment Supplementary Planning Guidance (2006). The harm caused to the environmental dimension of sustainable development outweighs any social and economic benefits of the scheme and therefore the proposal does not represent sustainable development.

2. *There is no mechanism in place to secure the required affordable housing, off-site play space and outdoor sports provisions which are necessary to support the proposed development. The proposal is thus contrary to Policies H9 and H12 of the adopted High Peak Local Plan Saved Policies (2008), Planning Obligations SPD (2005) Policy CF7 and H5 of the Emerging Local Plan and advice contained within the National Planning Policy Framework.*

2.11 The decision was subsequently challenged at appeal. The Appeal was dismissed on 26th July 2017 under APP/H1033/W/16/3155484.

2.12 Analysis contained within this Appeal Decision is a key material consideration in the assessment and determination of this application and is referenced in detail within the main body of this report.

3. DESCRIPTION OF THE PROPOSAL

3.1 The application seeks full planning permission for the construction of 5no dwellinghouses, and associated works, which includes engineering 'cut and fill' operations to re-grade the site, and other development which includes an internal access road, and ancillary domestic development.

3.2 The access to the site would extend northwards from Brown Edge Close, with the 5no dwellings being situated west of the internal access, with land east of the internal access being kept free from development.

3.3 The 5no dwellings are shown to be laid out in a linear form, equally spaced, each benefiting from a private driveway, ancillary garage and a modest amount of garden within its curtilage.

3.4 All dwellings have a consistent layout, form, massing and visual appearance with each dwellinghouse having a 'T' layout, made up of a main rectangle with hipped roofs sloping to the east and west, with a small central hip extending southwards.

- 3.5 To showcase its similarities and differences with the previous scheme that was subject to a refusal and dismissed appeal, a screenshot of the latest Site Plan is presented below:



Above: Proposed Site Plan relating to HPK/2024/0496

- 3.6 Each dwellinghouse is shown to provide 3no double bedrooms, each served by an en-suite bathroom, with communal areas in the form of a large open plan Kitchen, Dining and Living space.
- 3.7 The plans show that each dwellinghouse would have a ridge height of 5.9m above finished floor level, constructed in a natural stone with slate tiled roof.
- 3.8 As a result of the proposed engineering operations, and as shown on the Proposed Section Drawings, the internal access road and proposed dwellinghouses are shown to be on a level consistent with the existing turning head on Brown Edge Close, approximately 300mm below the level of the eastern boundary of the existing rear gardens serving properties on Brown Edge Road.
- 3.9 East of the proposed internal access road, the land falls sharply and steeply away, and would benefit from soft landscaping, which will be used to provide the necessary uplift in Biodiversity Net Gain on site.
- 3.10 As such, in the even that planning permission is approved, this area east of the internal access would be legally protected from future development, owing to the fact that it is required to provide BNG.

- 3.11 A full list of the plans and technical documents that are the subject of assessment within this report are set out as follows:

Plans

- Site Location Plan
- Topographic Survey
- Site Plan as Proposed 6412-(P)-003B
- Indicative Site Section
- Landscape Layout
- Proposed Dwelling Plans and Elevations
- Proposed Garage Plans and Elevations
- Tree Schedule
- Tree Constraints Plan

Technical Documents

- Planning Statement and Addendum
- Ecological Appraisal and BNG Assessment
- Landscape and Visual Impact Assessment (LVIA)
- Railway Noise Assessment
- Highways Technical Advice Note
- Nutrient Neutrality Assessment and Mitigation Strategy Rev 2

- 3.12 All plans, documents and comments can be viewed via the Council's online planning portal via the following link:
<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=268821>

4. RELEVANT PLANNING HISTORY

- 4.1 The site has been subject to the following planning history:

HPK/2012/0252	Outline Planning Permission For Construction Of 21 Detached Dwellings Plus Highway & Associated External Work (Withdrawn)
HPK/2013/0449	Proposed Construction Of 21 No. Detached Dwellings Plus Highway & Associated External Works (Withdrawn)
HPK/2015/0471	Proposed Residential Development including Demolition of 70 & 72 Brown Edge Road (Refused 23/02/2016)
	Appeal - APP/H1033/W/16/3155484) (Appeal Dismissed 26/07/2017)

5. PLANNING POLICIES RELEVANT TO THE DECISION

High Peak local Plan 2016

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S3 Strategic Housing Development
- S7 Buxton Sub-area Strategy
- EQ2 Landscape Character Assessment
- EQ3 Rural Development
- EQ5 Biodiversity
- EQ6 Design and Place Making
- EQ10 Pollution and Unstable Land
- EQ11 Flood Risk and Drainage
- H1 Location of Housing Development
- H3 New Housing Development
- CF6 Accessibility and Transport

Supplementary Design Guidance

Residential Design Guide SPD (2005)
Landscape Character Assessment SPD (2006)
Design Guide SPD (2018)

National Planning Policy Framework 2024

Achieving Sustainable Development	Chapter 2
Delivering a Sufficient Supply of Homes	Chapter 5
Promoting Sustainable Transport	Chapter 9
Achieving Well Designed Places	Chapter 12
Conservation and Enhancement of Natural Environment	Chapter 15

6. CONSULTATIONS CARRIED OUT

Site notice	Expiry date for comments: 6 th February 2025
Neighbour letters	Expiry date for comments: 6 th January 2025
Press Notice	Expiry date for comments: N/A

Public Comments

6.1 Councillor M. Hall has commented as follows:

- Extended consultation period required to due to public holiday
- I echo concerns raised by residents group (BERG)
- Costs to build out scheme likely to be significant
- Sceptical that further scheme will be needed to be viable

6.2 At the time of writing, 3no neutral representations have been received in connection with the application, which state the following:

- Consideration to be given to existing traffic

- Potential disruption during construction
- Visibility on Brown Edge Close already bad
- Concern for pedestrian safety
- Limited capacity for delivery and refuse vehicles
- Physical evidence of newts active in field

6.3 A total of 59no objections have been received in connection with this application, some of which are multiple submissions by the same objector. The objections also include representations from the Buxton Civic Association and Brown Edge Residents Group (BERG).

Buxton Civic Association

Buxton Civic Association objects to the application for the erection of five dwellings on land adjacent to Brown Edge Close, Buxton, SK17 7AF. We have reviewed the application and the supporting documents, together with Planning Inspector's decision letter in July 2017, in which an appeal against the Borough Council's refusal of a larger scheme was dismissed.

We acknowledge that the current application is a relatively significant revision to the scheme previously dismissed on appeal, with few houses, a smaller site area and a lower building form. However, we still have concerns about the development and its potential intrusion into the landscape on the edge of Buxton, particularly in this elevated and prominent location.

The conclusions of the Planning Inspector in 2017 are still highly relevant to the consideration of the current application. The key parts of her decision are as follows:

11. *the site is located on the flank of a steeply sided valley. Whilst I agree with the appellant that it is not the focus of any specific views, when viewed from the valley bottom and a number of viewpoints on the public footpaths on the western and northern sides of the valley, the site is clearly visible and appears as part of the moorland/countryside setting that provides the context for the ribbon development that characterises the upper part of Brown Edge Road and the wider setting for Buxton.*
17. *In conclusion I consider that due to the significant engineering works and quantum of development proposed the scheme would result in the urbanisation of the site. It would lead to the introduction of a different layout and urban grain to the established pattern of development which, given the sites location, would be prominent and out of character with the surrounding area. Furthermore, it would erode the moorland/countryside setting of Brown Edge Road and would be visually dominant in views of this side of the valley.*
18. *Under a District wide assessment the site is included within Moorland Fringe Landscape Character Type which is, amongst a number of things, characterised by its moderate to steep upland slopes fringing*

the open moors; distinct absence of trees and open and exposed landscape with expansive views elements of which are present at the appeal site.

22. *Policy H 1 of the Local Plan states that, subject to a number of criteria, the Council will consider approving sustainable sites outside the defined built up area boundaries. Although the proposal would meet a number of these criteria, for the reasons I have outlined above I do not consider that it would be well related to the existing pattern of development (criteria 1) and believe that it would have a significant adverse impact on the character of the countryside(criteria 2). I therefore conclude that the proposal would fail to comply with the requirements of this policy.*
23. *Policy EQ3 also accepts new residential development outside of settlement boundaries. However, this is subject to compliance with policy H1. Given that I have already found that the proposal would be contrary to that policy it follows that it cannot accord with policy EQ 3. Due to the harm that I have identified I consider that the proposal would also be contrary to policy EQ2, which resists development which would be detrimental to the character of the local and wider landscape and policy S7 which seeks to protect and enhance the unique character of Buxton's townscape and natural environment.*
32. *In conclusion due to the topography of the site and the amount of reworking of levels and retaining structures that would be required I consider that the proposed development would be visually prominent and out of character with the prevailing pattern of development to the detriment of the character and appearance of Brown Edge Road and the wider setting of Buxton and the countryside around the town. Consequently, I conclude that the proposal is contrary to the Local Plan as a whole, specifically policies H1, S7, EQ2, EQ3 and EQ6, and the guidance contained within the Framework.*

These conclusions relate to the earlier, larger development, but the Inspector's assessment of the relationship of the site to the existing built form of Buxton and the wider landscape setting is still pertinent. The site is elevated and prominent, so any development will inevitably be prominent. The relationship of the site to existing development is poor as it is a backland site which drops down the hillside below Brown Edge.

The historic development along Brown Edge is an example of a poorly planned development at a time when planning control was weaker, being an intrusive finger of development up the hillside. Any further housing adjacent to this would add to this inappropriate and intrusive development. Consequently we consider that the development is still open to the objections set out by the Inspector in her decision letter, and quoted above, notwithstanding the smaller scale of development.

We therefore ask the Borough Council to refuse the application on these grounds.

Brown Edge Residents Group (BERG)

Initial Response

The applicant argues that, due to High Peak Borough Council's inability to demonstrate a five-year housing supply and the claim that the proposed development would have no adverse effects, the application should be permitted. They also assert that all necessary mitigation measures have been undertaken. BERG strongly contests these claims and urges the Council to consider the substantial evidence provided in BERG's own report.

Geotechnical Concerns and Land Stability

The proposed development site is situated on a steep slope, and evidence from the British Geological Survey (BGS), as submitted by BERG, clearly indicates that the land is highly sensitive to additional water infiltration and is prone to landslides. Contrary to the applicant's assertions, their submission lacks technical notes, detailed engineering surveys, drawings and mitigation to demonstrate the site's suitability for development as stipulated by government guidance¹. Consequently, the full extent of adverse effects on adjoining railway infrastructure and nearby properties remains unknown. To suggest otherwise is a clear misrepresentation of the facts. Even Councillor Madeleine Hall² has acknowledged the significant risks associated with this site, advising that the applicant should be required to provide insurance if development proceeds. This raises a crucial question: Would indemnity also be required to safeguard Network Rail infrastructure?

Flooding and Drainage Issues

BERG has provided DEFRA evidence confirming that flooding occurs at the eastern end of the site, adjacent to Network Rail infrastructure. However, the applicant has not provided detailed notes or assessments demonstrating the potential impacts of development on water infiltration or the subsequent effects on slope stability and railway infrastructure. Once again, the suggestion that there would be no adverse impacts is demonstrably false.

Furthermore no drainage strategy has been submitted and so we must examine the results of the SCP drainage strategy³ for the previous application (HPK/2015/0471) in which it states:

"The information shows the southwest area of the site to be underlain with stiff clay and unlikely to sustain soakaways. It has been assumed that the remainder of the site will present similar characteristics."

The impact of increased water infiltration on a slope already identified as highly sensitive to moisture has neither been properly assessed nor mitigated. The railway embankment further exacerbates the issue by acting as a "dam,"

preventing natural water flow to Nun Brook at the valley's base. As confirmed by BGS, the site's high water table, combined with stiff clay, already leads to a buildup of floodwater adjacent to the railway embankment—evidence of which has been documented by DEFRA and photographic submissions from BERG.

Any development on this site will only intensify these existing issues, yet the applicant has failed to address or mitigate them. Additionally Network Rail for the previous application (HPK/2015/0471) stated the following:

"All surface water is to be directed away from the railway. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property"

"Once water enters a pipe it becomes a controlled source and as such no water should be discharged in the direction of the railway"

"Water discharged into the soil from the applicant's drainage system and land could seep onto Network Rail land causing flooding, water and soil run off onto lineside safety critical equipment or de-stabilisation of land through water saturation"

Given the site's topography, water can only flow downward—directly toward the railway line. This critical issue has not been addressed nor mitigated nor has extreme weather or climate change on a site susceptible to infiltration, flooding, and landslides.

The applicant clearly states a soakaway in their application form. Again, this demonstrates they have not mitigated adequately for this and clearly shows that any SuDS (Sustainable Drainage Systems) option is unsustainable on this site. Once again, no mitigation measures have been discussed regarding this, further proving that this site is unsuitable for residential development.

This is supported by the following points from the NPPF:

- 163 "The need to mitigate and adapt to climate change should also be considered in preparing and assessing planning applications, taking into account the full range of potential climate change impacts."
- 164 "New development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable care should be taken to ensure that risks can be managed through suitable adaptation measures, including through incorporating green infrastructure and sustainable drainage systems."
- 165 Stresses the importance of addressing flood risk and ensuring sustainable drainage systems (SUDS) are incorporated in line with local policy

We would also like to highlight that clay is not ideal for building on due to its tendency to shrink and swell with changes in moisture, potentially causing foundation issues and structural damage. This would be exacerbated on a steep slope sensitive to extra infiltration and landslide risk. Once again, no mitigation measures have been demonstrated regarding these points.

Furthermore, the process of excavation and construction disturbance could destabilise the slope even further, increasing the likelihood of ground movement. This presents a serious risk not only to future residents but also to existing nearby properties and infrastructure, including the railway.

Policy Compliance Policy EQ10 of the High Peak Local Plan (2016) states:

“Sites are suitable for their proposed use taking account of ground conditions and land instability, including from natural hazards such as radon gas, former activities such as mining, or pollution arising from previous uses.”

Additionally, Paragraph 196 of the National Planning Policy Framework

(NPPF, December 2024) asserts:

“Planning policies and decisions should ensure that a site is suitable for its proposed use, taking account of ground conditions and any risks arising from land instability.”

“Adequate site investigation information, prepared by a competent person, must be available to inform these assessments.”

As no adequate site investigation has been conducted, it is impossible to determine the full extent of adverse effects this proposed development may have.

The processes for residential extension and home improvement require full disclosure and complete details, including drainage where required for an objective decision to be reached. However, in this case, critical details surrounding drainage—to highlight just one important point—have not been submitted and have been actively overlooked, particularly in light of the previous drainage report that highlight significant challenges. Therefore, BERG cannot comprehend how a fair decision can be made for this proposal (which requires extensive engineering works) without all information being provided by the applicant.

Wildlife Survey Validity

As proven by Derbyshire Wildlife Trust⁵, the applicant’s wildlife survey has not been conducted properly and should be considered invalid. Without a properly conducted survey, it is impossible to conclude that there would be no adverse effects on local wildlife. The absence of accurate data further weakens the applicant’s claim that all necessary mitigation measures have been taken.

Landscape and Visual Impact

BERG's calculations highlight the extensive engineering and significant land remodelling required to make the site developable, demonstrating the detrimental impact on the countryside's character and setting. An independent survey by Ryder Landscape concludes that the development would result in a long-term minor adverse landscape effect.

Additionally, Gravitas (makers of FLEX MSE) stated:

"We are able to work with clay; however, it's not stable ground and we will need to take this under consideration. We may need to add additional soil stabilization and potentially a drainage system."

Furthermore, the Flex MSE system cannot be filled with clay and must instead be filled with granular soil to allow proper water penetration. Given the site's composition (stiff clay), this would require substantial material importation, directly contradicting the applicant's sustainability claims. Additionally, for FLEX MSE to function effectively, it requires adequate drainage to prevent failure, as with any retaining structure.

Considering the site's topography, soil composition, Network Rail's concerns, and the expert input from Gravitas, it is evident that the applicant has failed to address these critical issues. This raises further doubts about the sustainability and overall suitability of the site for residential development.

Moreover, if FLEX MSE cannot be used due to these constraints, this may invalidate the applicant's landscape survey, which relies on its implementation. Yet again, this has not been mitigated or even acknowledged by the applicant.

Housing Supply and Availability

The applicant argues that the site's immediate availability will help address the borough's housing shortfall. However, in the previous application, Robert White of White Peak Planning provided evidence contradicting this claim.

He stated that the land was not immediately available for development due to the extensive investigations required. He further noted that reducing dwelling sizes or numbers—such as introducing bungalows—would not mitigate site constraints due to the entrance and steep gradient, making these issues insurmountable.

Thus, the claim that this development can make an immediate impact on the housing shortfall is misleading.

Parking

To increase the width of Brown Edge Close the plans show that there may be some reduction of existing driveways, most notably those at Brown Edge Close Numbers 1, 2 and 3. Parking for these residents is already insufficient and is clearly demonstrated (accompanying pictures)

Furthermore properties at 72 and 74 would also lose their off street parking. This will lead to a displacement of vehicles at these properties. Once again the applicant has failed to mitigate for this.

Conclusion

The geohazards associated with this site, as documented in BERG's report, have been well-known since 2015. While the applicant claims to have mitigated all risks, they have failed to address critical concerns such as increased water infiltration, landslide risks, and slope stability. Their assertion that all necessary mitigation measures have been taken is demonstrably false.

Contrary to the applicant's claims, the evidence clearly indicates that this development would have significant adverse effects on the surrounding countryside, nearby properties, and Network Rail infrastructure. Adequate mitigation measures have not been provided, nor has sufficient technical evidence been submitted to support the applicant's assertions.

We strongly urge the Council not to be misled by inaccurate statements lacking substantial supporting evidence. BERG remains firmly opposed to this application and urges High Peak Borough Council to reject it based on the overwhelming evidence of risk and non-compliance with planning policies.

Neighbours and Public Comments

A summary of the main grounds of objection received in relation to this application by neighbours and members of the general public are presented below:

- Lack of consultation
- More suitable opportunities for housing development in Buxton
- Impact on highway safety as a result of increase in vehicle movements and existing narrow roads on Brown Edge Close and Brown Edge Road
- Potential land instability and structural implications on neighbouring properties
- Impact on protected species and natural habitat
- Lack of affordable housing
- Lack of infrastructure to support new development
- Engineering works would have a significant adverse impact on the local landscape
- Encroachment into open countryside
- Drainage and Flood risk issues
- Potential impacts on amenity of existing residents during construction and after completion

Consultees

6.4 The following comments have been received from consultees:

AES Waste

Properties should be planned so bins can be stored within the property boundary and be moved to the presentation point without the need to go up or down steps or through the property. Garden gates need to be wide enough to accommodate a standard 240l wheeled bin.

Collection vehicles are unable to access unadopted highway unless an indemnity form has been completed by the developer. In instances where there is no indemnity for properties will have to present their bins at a point next to the nearest adopted highway.

All roads that are intended to be used for the purposes of waste collection must be suitable for a full size 32 tonne waste collection vehicle with a turning circle of 22.5m. It is advisable to design out the need for collection vehicles to reverse where possible. If reversing is unavoidable the following must be applied:

- waste collection vehicles should not reverse more than 12 meters
- the reverse should be straight and free from obstacles and visual obstructions. Please provide a tracked plan to show waste collection vehicle access and turning and indicate waste collection points for each property on the plan.

Please provide as part of the planning application a tracked plan to show waste collection vehicle access and turning.

DCC Highways Authority

Initial Response

I note the attached HA response to refused application HPK/2015/0471 relate to a private drive with improvements to the access (including visibility splay) which is why a Section 278 informative was provided at the bottom of the attached, but there is also a mention of the visibility splays not been provided correctly (see below):

“The supporting Technical Note indicates that exit visibility in excess of the requisite 2.4m x 43m minimum can be achieved from the modified junction of Brown Edge Close with Brown Edge Road although this does not appear to have been annotated on any accurately scaled drawings forwarded to this office.”

However moving forward, the County Council residential Design Guide has been updated and the following previously applied:

Delivering Streets and Places 2017 (existing Design Guide) gives adopted road requirements and the following wording on page 30:

‘Generally, a street will be considered for adoption where it serves more than five dwellings.’

The new Design Guide now applies:

‘A private driveway can serve one or more properties, up to a maximum of 10, after which the traffic generated and number of turning movements associated with the driveway is considered sufficient for the access to be considered for adoption by the Local Highway Authority and therefore must accord with the design characteristics of a Pedestrian Prioritised Street, Informal Streets, or an Enhanced Street.

Unadopted Roads

Design Speed: Not Applicable.

Carriageway: When serving two or more properties can be of varying width, but must be a minimum of 4.1 metres for the first 15 metres behind the back of the carriageway to allow two vehicles to enter and leave simultaneously. Refuse collection points should be provided within 25 metres of the highway.

Access: The connection to the priority road shall be laid out as per a footway crossing, in accordance with Section 184 of the Highways Act, 1980, where applicable.

Footway: Part of the driveway.

Parking: All car parking should be provided off-street.

Gates: Set back 5m from the Edge of Carriageway, shall open inwards or be sliding.

Materials: Bound material for first 5m.

Drainage: No water discharges over the highway.’

However, the applicant has submitted drawing 6412 (P) 003 A (attached) for assessment, but again no visibility splays have been shown or provided in any other documents, so the County Council would wish to see the highway issue addressed prior to determination, however, should the LPA be minded approving the application in its current form we would be grateful if the LPA could reconsult the HA so that consideration can be given to formulating an appropriate response.

Further Response

It is noted that the existing site access serves 5 existing dwellings which the proposed development will increase to 10.

Further to previous LHA comments, a revised plan has been submitted which indicates emerging visibility splays of 2.4m x 43m in both directions from the site access along Brown Edge Road. The provision of the visibility splays should be conditioned accordingly.

The application proposes to widen the existing site access off Brown Edge Road i.e. Brown Edge Close to a total width of 7.6m, made up of a carriageway width of 4.8m, a footway of 1.9m and a margin of 0.9m. The proposed access is in line with DCC's highway design guide for a private drive.

The internal access road serving the proposed dwellings will extend the existing access road which currently serves the existing dwellings. The access road will also serve as access to new parking spaces provided for nos. 72 and 74 Brown Edge Road at the junction of Brown Edge Close and Brown Edge Road.

The application includes a highway technical note which includes swept path details for a refuse vehicle within the application site. It is unusual that refuse collection is taken from a private drive; however, you may wish to consult your own refuse collection service to establish if a refuse collection vehicle will enter the application site. If not, a bin storage area will be required adjacent to the highway boundary for residents to leave bins on collection days.

The application proposes two parking spaces per dwelling which accords with DCC's parking guidance for three bedroom dwellings; however, it is assumed that you will assess the parking provision against your own standards.

It is agreed that the vehicle movements generated by the proposed development will not have a significant impact on the existing highway network. It is also noted that this is the same conclusion reached by the Planning Inspectorate when considering a previous appeal for the same site.

Based on the analysis of the information submitted and a review of Local and National policy the Highway Authority concludes that there would not be an unacceptable impact on Highway Safety or a severe impact on congestion. There are no justifiable grounds on which an objection could be maintained.

Conditions

1. *The development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on the submitted drawing(s).*

Reason: To ensure conformity with submitted details.

2. *The development hereby approved shall not be occupied until visibility splays are provided from a point 1m above carriageway level at the centre of the access to the application site and 2.4 metres back from the near side edge of the adjoining carriageway, (measured perpendicularly), for a distance of 43m metres in each direction measured along the nearside edge of the adjoining carriageway and offset a distance of 0.6 metres from the edge of the carriageway. These splays shall thereafter be permanently kept free of all obstructions to visibility over 0.6m in height above carriageway level.*

Reason: In the interests of highway safety.

Derbyshire Wildlife Trust

Initial Response

We have reviewed the Ecological Appraisal and Biodiversity Net Gain Assessment (Rachel Hacking Ecology, January 2024). Multiple points need addressing, prior to determining the application:

The site visit was undertaken in December 2023, which is well outside the optimal survey season to assess a grassland site. Whilst current and previous (2015) survey data indicates that the grassland is species-poor, we cannot advise that a robust assessment has taken place at this time of year. The report should be updated with a site visit in late spring / summer, to ensure that a robust assessment and classification of onsite habitats has been undertaken, in line with UKHabs guidance. UKHabs condition assessment data and evidence of how it meets the UKHabs definition should be submitted.

No consultation was undertaken with Derbyshire Biological Record Centre as part of the desk study. This means that locally available records of protected species and notable habitats and non-statutory sites have not been fully considered, including no consideration of the adjacent Hogshaw Sidings Local Wildlife Site. A desk study should be carried out in line with best practice guidance

Version 2 of the UKHabs methodology should be used and referenced, rather than Version 1.1.

The report discounts any amphibian breeding habitat within 250 m of the site, however our database shows ponds approximately 270 m to the south-west and 205 m north-east. There is a record of great crested newt ~100 m west and common frog and toad records are also present locally. The site has been ruled out for reptiles, despite DWT recommendations for survey in relation to previous applications. A common lizard record is present 180 m south, with connectivity to site. Other common lizard records are present locally. The site has a rail line along its eastern boundary, which provides an ideal corridor for herptile dispersal. Despite the flaws in the assessment, the report concludes that the site should be cleared under Reasonable Avoidance Methods

(RAMs). Once a thorough review has been undertaken of local records, the mitigation recommendations should be reviewed to confirm if RAMs are still appropriate or if reptile survey is required. RAMs could be secured via a condition for a detailed Construction Environmental Method Statement (CEMP: Biodiversity).

The red line boundary of the site does not match the red line boundary of the ecological survey area. The map of the baseline habitats should be updated, along with the metric calculations.

We advise that the strategic significance for the site should be set to moderate (location ecologically desirable but not in strategy) due to its location adjacent to an LWS and within a green corridor along a rail line, connected to other semi-natural habitats in the wider area.

The red line of the application does not follow an obvious boundary in the east of the site and unless the red line will be explicitly fenced off with Heras fencing, we suggest that it is likely that the whole of the field will be affected by ground works, storage of materials and machinery, site compound etc. Furthermore, it is not clear how the area will be treated post-construction. It appears likely that the entirety of the eastern part of the site would form POS. We seek clarity on this, as it may be necessary to include the whole of the field within the red line and, as such, the metric calculations.

Further Response

Further to our letter dated 18th February 2025, a revised Ecological Appraisal and BNG Assessment (Rev. D) and revised metric have been submitted.

Whilst no update survey visit has been undertaken since our response, the revised report provides additional information about previous survey visits that were undertaken in optimal months. The site has consistently been recorded as poor semi-improved grassland, of which modified grassland is the equivalent in UKHabs. The species recorded in 2025 support this. Taking into account both the current and previous (2015) survey data, we accept the habitat classification.

The red line boundary has been amended in the ecology report to match the site location plan. We understand that housing will be restricted to the west of the proposed access road but significant earthworks will be required in the east due to the sloping nature of the site. Therefore, temporary habitat loss will occur in the eastern part of the site but this can be restored and maintained as green space, significantly reducing the long-term habitat loss.

The landscape statement states the following:

“The proposals will effectively turn the upper third of the field into ribbon of residential development. The lower eastern two-thirds of the field will initially appear modified from the extensive earthworks required to create developable

land and then green over and become a mixed area of scrub and rougher grass. This will appear similar to its current state”.

It is important to create a cohesive landscaped area on the eastern slope. It is anticipated that the post-development habitats will comprise flower-rich grassland with native scrub, however future management should be considered i.e. will it be possible to mow or cut the slope to maintain the grassland? Whilst we would expect protective fencing along the red line boundary during works, we anticipate that this will be removed upon completion and the entirety of the eastern slope managed in a holistic way. We would encourage the retention of the existing stone wall on the eastern boundary.

Mention has been given to various forms of landscape and biodiversity management plans in the ecology and landscape documents, however we would advise that a Habitat Management and Monitoring Plan (HMMP) is secured via condition (in line with mandatory BNG requirements) to deliver the predicted net gains and ensure long-term management and monitoring.

The metric predicts a net gain of +0.95 habitat units (38.76%) and +0.08 hedgerow units (39.30%). The calculations appear reasonable. The target of modified grassland in good condition in the POS is conservative and whilst this helps to deliver >10% gains, we suggest that a target of other neutral grassland would lead to a more diverse sward to benefit local biodiversity (in line with our comments above). This can be finalised in the post-determination Gain Plan and HMMP and no further amendments are required at this time.

The statutory framework for biodiversity net gain requires a Biodiversity Gain Plan to be submitted and approved by the planning authority to discharge the mandatory biodiversity gain condition, prior to the commencement of development.

A data consultation has now been undertaken with Derbyshire Biological Records Centre (DBRC) and amendments to methodology and strategic significance have been made.

Reasonable Avoidance Methods (RAMs) are still recommended for site clearance, to safeguard herptiles. We advise the following conditions are attached to any permission:

- 1. A Habitat Management and Monitoring Plan (HMMP) shall be submitted to, and be approved in writing by, the LPA prior to the commencement of the development. If the standard HMMP template is not used, the HMMP checklist shall be consulted to ensure all appropriate information is included. The HMMP shall identify the habitats to be retained, created and / or enhanced on the site and specify the appropriate management prescriptions to secure the predicted condition targets, as per the approved biodiversity metric for the application. The HMMP shall also set out a monitoring schedule to*

ensure targets are met and remedial actions to take if not. Guidance on producing a HMMP can be found here: <https://www.gov.uk/guidance/creating-a-habitat-management-and-monitoring-plan-for-biodiversity-net-gain>

- 2. Prior to the commencement of works (including clearance of grassland, refugia piles, scrub or groundworks) a Herptile Method Statement shall be submitted to the LPA, to safeguard any reptiles or amphibians that may use the onsite habitats. This shall include reasonable avoidance measures, seasonal timings and instructions in the event animals are discovered. The Method Statement shall be implemented in full, and a short statement of compliance submitted at the end of site clearance works.*
- 3. Prior to the installation of lighting fixtures, a detailed lighting strategy shall be submitted to and approved in writing by the LPA to minimise lightspill to the eastern green space and safeguard bats and other nocturnal wildlife. This should provide details of the chosen luminaires, their locations and any mitigating features such as dimmers, PIR sensors and timers. Dependent on the scale of proposed lighting, a lux contour plan may be required to demonstrate acceptable levels of lightspill to any sensitive ecological zones/features. The Strategy should refer to Guidance Note 08/23 - Bats and Artificial Lighting at Night (BCT and ILP, 2023) and explain how proposals have been designed in compliance with this document. Such approved measures will be implemented in full.*
- 4. Prior to building works commencing above foundation level, a Species Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Approved measures shall be implemented in full and maintained thereafter. The Plan shall clearly show positions, specifications and numbers of features, which will include (but are not limited to) the following:*
 - universal nest boxes at ratio of 1:1 with dwellings, in line with British Standard 42021:2022.*
 - integrated bat boxes in 3No. dwellings.*
 - insect bricks in 2No. dwellings.*
 - habitat piles in eastern part of the site.*
 - fencing gaps 130 mm x 130 mm to maintain connectivity for hedgehogs in all gardens.*

A statement of good practice including photographs should be submitted to the local planning authority prior to the discharge of this condition, demonstrating that the enhancements have been selected and installed in accordance with the above.

HPBC Tree Officer

There are no objections to this proposal. There is only one significant tree onsite and it is located well clear of the development, with protection measures proposed. The only adjacent site trees that could potentially be a future issue are the 3no. cherry trees along the northern boundary. However they are small trees, there are no main room windows that they will block light to, and the new homes will have their common law right to prune branches back to the boundary line.

The planting spec is pretty pedestrian and the locations have potential to cause some issues in the future, so I would recommend a planting condition added so that we can approve species and planting locations:

1. *A suitable scheme of proposed tree planting and pits shall be submitted to and approved by the Local Planning Authority prior to the first use of the development hereby approved.*

- *Full planting specification - tree size, species, the numbers of trees and any changes from the original application proposals.*
- *Locations of all proposed species.*
- *Comprehensive details of ground/tree pit preparation to include:*
 - *Plans detailing adequate soil volume provision to allow the tree to grow to maturity*
 - *Engineering solutions to demonstrate the tree will not interfere with structures (e.g. root barriers/deflectors) in the future*
 - *Staking/tying method(s).*
 - *Five year post planting maintenance and inspection schedule.*

All tree planting must be carried out in full accordance with the approved scheme in the nearest planting season (1st October to 28th February inclusive). The quality of all approved tree planting should be carried out to the levels detailed in British Standard 8545, Trees: from nursery to independence in the landscape - Recommendations.

Any trees which die, are removed, uprooted, significantly damaged, become diseased or malformed within five years from the completion of planting, must be replaced during the nearest planting season (1st October to 31st March inclusive) with a tree/s of the same size, species and quality as previously approved.

Natural England

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse effects on the integrity of The Peak District Dales SAC and has no objection.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Whilst NE do not request any further information, we would like to highlight that the figures in Stage 1 of the HRA screening assessment table, which outlines the nutrient budget, are incorrect. Nonetheless, the budget figures appear to be accurate within Stage 2 - Appropriate Assessment. We note that the proposal includes securing the upgrade of the existing septic tank to a Package Treatment Plant (PTP), thereby achieving Nutrient Neutrality. According to the NNAMS, upgrading the septic tank to a PTP will generate 3.90 kg TP/year of nutrient credits, resulting in a net betterment of 2.46 kg TP/year.

Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures detailed within the NNAMS are appropriately secured in any planning permission given and by way of a Section 106 Agreement.

HPBC Environmental Health

NOISE

The Noise Impact Assessment submitted in support of the application may be accepted (Hepworth Acoustics, "Noise Assessment - Brown Edge Road, Buxton. Railway Noise Impact Assessment" (ref: P24-142-R01v2, dated December 2024)

This assessment indicates that noise levels within the building (daytime and nighttime) will be suitable with standard double glazing. 4mm glass - nominal (12-20mm) cavity - 4mm glass) and standard non-acoustic trickle vents would provide a typical sound reduction performance of 25 dB *R*_w + C_{tr}.

However, this relies on windows remaining closed and does not take into account a desire to keep windows open for ventilation. It's noted that the sidings are utilised by 2 stroke diesel freight trains, and these can remain operational (idling) for long periods of time whilst in the sidings, particularly (but not limited to) when following low temperature idling protocols. It's recognised that open windows for thermal regulation may not be required at low temperatures, but occupants may still require fresh air.

Conditions recommended:

1. *Development shall not take place until a scheme of continuous mechanical extract ventilation has been approved in writing by the LPA. Such approved scheme shall comply with the requirements of Acoustics Ventilation And Overheating Residential Design Guide (AVO Group 2020) and shall be implemented and maintained for the life of the development.*
2. *If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, then the applicant shall submit a written scheme to identify and control that contamination. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA, and appropriate remediation proposals, and shall be submitted to the Local Planning Authority without delay. The approved remediation scheme shall be implemented to the satisfaction of the Local Planning Authority.*
3. *No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely affect adjacent residential properties and/or other sensitive uses and/or the local environment. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression. These should be made available for inspection when required by officers of the Local Planning Authority*
4. *Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment. There shall be no fires lit on the site for purpose of disposing of demolition materials. Any open fires that arise shall be extinguished without delay.*
5. *The best practicable means, as defined in Section 72 of the Control of Pollution Act 1974 to reduce noise and vibration from the site to a minimum, shall be employed at all times during construction.*
6. *If piling is necessary, a written piling options assessment shall be submitted to the Local Planning Authority, to demonstrate noise and vibration mitigation measures consistent with best practical means. The assessment shall consider Environment Agency guidance (Environment Agency (2001), Piling and Penetrative Ground Improvements on Land Affected by Land Contamination NC/99/73) where land contamination is suspected or proven. No piling shall take place until the piling options assessment has been approved. No piling shall take place outside the hours 09:00 hours to 16:00 hours Mondays to Fridays.*

7. *Unless prior permission has been obtained in writing from the Local Planning Authority, all noise-generating activities shall be restricted to the following times of operations.*

- 07:30 - 18:00 hours (Monday to Friday);
- 08:30 - 14:00 hours (Saturday)
- No working is permitted on Sundays or Bank Holidays.

In this condition, a noise-generating activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.- -

8. *During construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary.*

Network Rail

No comments received at the time of writing.

Severn Trent Water

No comments received at time of writing

Stuart Ryder Landscape (acting on behalf of HPBC)

Landscape effects

The landscape at the Site and in its setting is not included in any national or local landscape designations, nor does it form the immediate setting to the Peak District National Park. It is outside of Built-up Area limits for Buxton and is therefore classed as Countryside and subject to Policies EQ2, EQ3 and E1 of the High Peak Local Plan – April 2016 as well as NPPF directions regarding the consideration of its intrinsic qualities.

The proposals will effectively turn the upper third of the field into ribbon of residential development. The lower eastern two-thirds of the field will initially appear modified from the extensive earthworks required to create developable land and then green over and become a mixed area of scrub and rougher grass. This will appear similar to its current state.

The five dwellings will by and large be perceived as a similar built form to the adjacent houses to the west and south. They will not be perceived as extending the sense of development northwards up the Brown Edge Road ridge. There will be a slight sense of moving down the slope of the field but the road does not extend further eastwards than the extents of the Brown Edge Grove development. In this regard the line of 5 units will appear 'book-ended' by the houses of Brown Edge Grove to the south and Lowcroft to the north. They will reduce the sense of separation that the Lowcroft properties currently display.

The greatest landscape effect will be to the levels of the Site with the combination of gabions, grading and bagged retaining structures as well as ground level raising to the lower slope permanently altering the current, more natural topographic fall and appearance as part of the valley side. Building on the side of slopes is not unusual in Buxton given its steep sided valley form, it is the sensitivity of how it is achieved that is more critical. The gabions at the rear of proposed properties will be screened by the houses and the Flex MSE bagged retaining structure will largely blend into the surroundings depending on the proposed planting species for it. The steep slope that runs from the access road to the top of the Flex MSE will appear precipitous next to the road.

The planting associated with the properties will appear domestic in nature and the scrub down the bank will appear more natural in form. Questions are however raised about its care and upkeep in Section 6 – Design

Overall I consider the landscape effects for the Site to be Moderate, Adverse and Temporary at the time of construction reducing with time and greening of the slope to **Minor, Adverse** and **Permanent**.

Visual effects from surrounding areas

Six sets of visual receptors have been considered that have actual or possible views back to the Site from publicly accessible areas, views from the nearest two residential receptors have also been included to make eight possible visual receptor groups:

- Brown Edge Road residents that back onto the west side of the proposed development;
- Brown Edge Grive residents that abut the south side of the proposed development;
- Users of Footpath Buxton 1 (FP1) that crosses the railway footbridges;
- Users of the former Hogshaw Railway development compound;
- Users of the Buxton and High Peak Golf Course; and
- A6 road users travelling south into Buxton.

The visual change experienced by each group is discussed below.

Brown Edge Road residents

(Residents) will be able to look out over the proposed Site from the back of their properties including their rear gardens. They will largely look over the top of the bungalow properties to the opposite side of the valley but the sense of an open view to the immediate field to the back of their houses will be lost. This immediate screening by built form may also block sight to the railways at the bottom of the Site field but this has not been confirmed. Given the size of the proposed detached garages the row of built form will appear more substantial than just five single properties. This change to their view has been judged as a **Moderate, Adverse** and Permanent effect.

Brown Edge Grove residents

(Residents) do not have such an immediate visual relationship with the proposed dwellings. It is the very northern house in this block of five that has a visual relationship with the proposals but the others generally do not and will not have their residential views changed. The end house will experience a change from its side elevation, rear and side garden but will not be able to look directly on the proposed development from its front elevation. More tree planting has been indicated between the existing and new houses to mitigate this visual proximity but the ability to see the new house on the neighbouring plot will remain. This change to their view has been judged as a **Moderate/Minor, Adverse** and Permanent effect.

Footpath Buxton FP 1

Users will see the Site clearly when crossing the railway bridges and judge the proposals against the ribbon of houses on Brown Edge Road/Grove. There will be a sense of visual change but not an extensive one given the scale of the development and the immediate visual precedent of the existing houses. The extensive earthworks to the field's slope will also initially appear dramatic and substantial in scale but this change will become less notable with the greening of the bagged retaining wall and scrub vegetation on the re-profiled slope. This change to the view is initially assessed as Moderate, Adverse and Temporary reducing to a **Minor, Adverse** and Permanent effect.

Hogshaw Railway Compound

Users may be trespassing but given this area's designation as a future housing allocation has been included as a visual receptor group. They look directly at 90 degrees across the railway lines to the Site sloping up to the houses of Brown Edge Road. Like the users of FP1 initially the earthworks on Site will appear dramatic and extensive but these will 'green-up' and will look like other parts of the slope to the west side of the valley. They too would experience similar levels of visual change to the users of FP1 - Moderate, Adverse and Temporary reducing to a **Minor, Adverse** and Permanent effect.

BHP Golf Course users

Playing to the east side of the A6 road corridor will have occasional views to the development site just as they currently do to the ribbon of housing along Brown Edge Road and further south at Ladycroft and Hogshaw. The Site is not a key part of their view and their attention will generally be on the golf course. The visual change is assessed as **Minor, Adverse** and Permanent.

A6 Road users

Road users and pedestrians walking the footpath to the east of the road experience fleeting glimpses of the proposed development Site when they journey into Buxton. The Brown Edge Road housing ribbon is visible

stretching up the local ridge to the west and the Site is glimpsed between tree blocks on the BHP Golf Course. The Site is more evident in winter when these trees are without their canopies. The presence of five houses, associated with the existing housing ribbon will not appear out of keeping on the approach to a town. The construction works will be more notable than the completed built form given their scale and from being set on a valley side. After the valley side has 'greened-up' the visual change has been assessed as **Negligible, Adverse** and Permanent for the road and footpath users.

Taken as a whole the visual effects will be noticeable by local people and particularly the residents of Brown Edge Road and Brown Edge Grove but not reach such a level of intrusion or dominance that they can be classed as causing significant visual harm.

Design and Management Observations

The following summary of potential design and management observations are given as a way of improving the landscape, visual and maintainability aspect of the proposals. Their inclusion should be sought if you are minded recommending consent for the proposals. Their provision by the Applicant should not be seen as a route for automatic approval of the scheme but rather as way of bettering the landscape and visual effects it brings about;

- The house footprints are large, particularly when compared to the semi-detached properties of Brown Edge Road, this largeness stems from their single storey height and providing sufficient floorspace for the dwellings. However the scale of bungalow properties is compounded by the size of the detached garages, particularly the two double garages that are of a similar size to the individual semi-detached properties on Brown Edge Road. Possibly reducing the scale of the garages and changing their spatial arrangement with their associated houses may assist in limiting the effect of having ten individual buildings in a row along the Site;
- There is a uniformity of size and arrangement to the proposed dwellings that could be modified to reduce their repetitious nature and improve the visual amenity of the proposals. It is recognised that the creation of a developable platform restricts the layout form but more variation could be introduced to the house shape and relationship to the associated garages;
- The turning head is queried as it appears that a private drive is proposed to be used to allow vehicles to reverse to leave the new road, it is presumed that the road would remain private and not be offered up for adoption.
- There appears to be no inclusions of SuDS features on the layout. Again the difficulty of creating flat space for surface water attenuation ponds is recognised so are other techniques such as crates under the road being proposed?;

- Materials management on Site will be difficult to achieve given the limited flat working space and the stripping and storage of topsoil for future restoration of the slope is of paramount importance;
- First of two fencing points is that the drop to the side of the access road is such that you would expect to see some delineation fencing or rail along the eastern side of the road to deter drivers from manoeuvring onto or over that part of the bank;
- Second fencing point is that Network Rail may require the provision of palisade fencing to the railway line if they perceive an increase of recreational activity of the land to the side of their asset;
- The final observation is on management of the slope and the scrubby, meadow finish that is proposed upon it. It is presumed that its long term management will fall to the residents of the five new properties or remain with the existing landowner. Whomever is responsible they will need to evidence how they will maintain the slope to achieve the proposed long-term landscape form. This management could be linked to the provision of Bio-diversity Net Gain arrangements but should be understood and taken into account now to gain sufficient reassurance that it will be actively managed rather than become an eyesore or a problem for the future residents.
- In addition, the submission of a long-term Landscape Maintenance and Management Plan (LMMP) for the duration of the development's operation will be required to cover the initial establishment and ongoing upkeep of the various landscape features and ecological habitats outside of the private residential garden spaces.

Suggested Conditions

1. Confirmation of all earthworks through the provision of an earth modelling plans and sections are provided to and agreed with the Local Planning Authority along with a Materials Management Plan produced by a suitably qualified Geotechnical Engineer including the source of material to ensure that the bunding associated with the upper development platform is assimilated into the local landform, is structurally stable set on its valley side location and can receive tree and scrub planting. Reason – To ensure stability of earthworks and assimilation of the feature into the local landscape.
2. That a detailed hard and soft landscape mitigation scheme, including plant and material schedules are submitted for consideration. Reason – to ensure that the proposals maintain the urban – rural edge character and respect the neighbouring landscape and residential properties.
3. The soft landscape proposals should be implemented in the first growing season after the project has commenced and replacement of

dead, diseased or dying stock should be undertaken in accordance with a Landscape Management and Maintenance Plan for a minimum period of 5 years. Reason – to ensure the quality of the landscape mitigation measures and appropriate maintenance until they become effective.

4. That no tree felling is undertaken on , or excavation within root protection areas, without the express written agreement of High Peak Borough Council's Arboricultural Officer and after consideration of tree sensitive construction processes – Reason to protect the mature tree and hedge stock that contributes to the local landscape.
5. That a Landscape Management and Maintenance Plan (LMMP) is prepared for implementation by the site owners / tenants / operators in perpetuity and that an arrangement for continuation of the LMMP by any future owners is entered into – Reason – to reflect the importance of the soft landscape mitigation proposals for the local landscape character.
6. Low light level scheme – Reason – to reduce the intrusive nature of lighting in the rural edge landscape in the hours of darkness.

I recognise that the suggested conditions could be combined with others that you may be considering and will require careful wording to be enforceable but wished to explain the reasoning behind them.

7. POLICY AND PLANNING BALANCE

Planning Policies

- 7.1 The determination of a planning application is to be made pursuant to 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.
- 7.2 Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the 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 consists of the High Peak Local Plan Policies Adopted April 2016.
- 7.3 Other material considerations include Supplementary Planning Guidance, the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG).

Principle of Development

- 7.4 The application seeks full planning permission for 5no dwellinghouses on a site which lies outside of the built-up area boundary of Buxton in the open countryside.
- 7.5 Local Plan (LP) Policies S1, S2 and S3 together constitute the strategic housing development policies for the Borough, which aims to focus housing and economic growth towards the Market Towns and Larger Villages.
- 7.6 As the site lies outside of the built-up area boundary in the open countryside, the starting point for assessing the principle of development is LP Policy EQ3, which refers to all development proposals located within the rural areas. The policy sets out the types of new residential development that will be supported in principle, which includes proposals that are compliant with LP Policy H1.
- 7.7 LP Policy H1 refers to the Location of New Housing Development, and supports proposals for new housing development in the open countryside provided that all of the four bullet points are met:
- *The development would adjoin the built up area boundary and be well related with the existing pattern of development and surrounding land uses and of an appropriate scale for the settlement; and*
 - *The development would not lead to prominent intrusion into the countryside or have a significant adverse impact on the character of the countryside; and*
 - *It would have reasonable access by foot, cycle or public transport to schools, medical services, shops and other community facilities; and*
 - *The local and strategic infrastructure can meet the additional requirements arising from the development*
- 7.8 Taking each bullet point in turn:
- The site adjoins the built up area boundary on its western and southern side. It is judged that the proposed single linear pattern of development extending northwards from Brown Edge Close would be commensurate with the existing pattern of development, and consistent with surrounding (residential) land uses. Moreover, the proposed development for 5no hipped bungalows is modest in scale, and appropriate for its immediate context. The application thus complies with the first bullet point.
 - As a consequence of developing a greenfield site, the proposed development could be argued as resulting in a degree of intrusion into the open countryside. Whilst the extent of intrusion is limited

given that the row of properties and access track is confined to an area of land beyond an established building line and would not extend further eastwards of the existing pattern of development presented on Brown Edge Close and Ladycroft further south.

As discussed with the Landscape and Visual Impacts section, the Landscape Consultant acting on behalf of the Council has concluded that there would be Moderate/Minor harm to landscape character once the development has been constructed, which does not reach the threshold of 'significant'. However, owing to development being located in an area characterised by open agricultural land, in an elevated and prominent location, there is nevertheless a degree of intrusion that occurs, amounting to conflict with this second bullet point.

- The site lies within walking distance (approx. 1.5km) from the Town Centre of Buxton and as such is considered to be located within a sustainable location with regards to access to services, facilities, educational institutions, medical centres, and other community facilities. The application is thus compliant with this third bullet point.
- Lastly, the introduction of 5no dwellinghouses amounts to a development of a modest scale that would not, subject to details relating to matters including drainage, put any strain on existing infrastructure. The application is therefore compliant with this fourth bullet point.

7.9 Chapter 5 of the NPPF contains the relevant national planning policies aimed at delivering a sufficient supply of housing across the country. Paragraph 78 makes clear that Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies.

7.10 At the time of assessing this application, the Council are unable to demonstrate a 5 year supply of deliverable housing land, and as such, having regard to the presumption in favour of sustainable development defined at paragraph 11 ('the tilted balance'), the Council's strategic policies for the supply of housing (LP Policies S2, S3, H1 and EQ3) are out of date.

7.11 As such, this means that whilst limited weight can be given to the above policies, ultimately, the Council must grant planning permission, unless there are significant and demonstrable adverse impacts that outweigh any associated public benefits in the overall planning balance.

Landscape and Visual Impacts

- 7.12 LP Policy S1 sets out a number of sustainability principles which all new development proposals should incorporate in order to make a positive contribution towards the sustainability of communities and to protect, and where possible enhance the environment.
- 7.13 LP Policy EQ2 seeks to protect, enhance and restore the landscape character of the Plan Area by requiring development to have particular regard to maintaining the aesthetic and biodiversity qualities of natural and man-made features within the landscape, and that are sympathetic to and are informed by the distinctive landscape character areas as identified in the Landscape Character Supplementary Planning Document.
- 7.14 LP Policy EQ3 refers to rural development proposals which lie outside of the defined built-up area boundaries and seeks to ensure that new development is strictly controlled in order to protect the landscape's intrinsic character and distinctiveness.
- 7.15 The Landscape Character Assessment SPD (2006) identifies that the site lies within the "Morland Fringe" Landscape Character Area which is described as follows:

"An unsettled landscape on the upper slopes and edges of upland valleys shaped by the underlying gritstone. The steep slopes and hard rock meant that soils are thin, free draining and acidic. There are some distinct rocky edges and outcrops. The main land use is extensive sheep grazing due to the altitude and poor soils. Fields are large scale, regular and enclosed by dry stone walls..."

The SPD contains the following general Development Principles for this LCA:

- *This is a landscape of isolated single properties, large clusters of buildings would not be appropriate*
- *The impact of hardstanding and other surfaces should be considered including the colour, brightness and reflectivity of the surface and how it would appear from a distance*
- *Development should be contained in low, gritstone, drystone walls*
- *Properties should be nestled into the moorland side below the summit*

7.16 The site comprises an area of sloping grassland east of Brown Edge Road and north of Brown Edge Close, that lies in the open countryside within the Morland Fringe Landscape Character Area.

7.17 As discussed earlier within this report, the site has some planning history. Most recently, an application for a larger residential development which extends further eastwards than this proposal was refused planning permission under HPK/2015/0471 for two reasons, the first of which relates specifically to the impacts on landscape character, set out in full below:

1. *The proposed development would be visually intrusive in the landscape and fails to respect local landscape character. The development would result in an undesirable expansion and encroachment, outside of the built-up area boundary for Buxton, into the open countryside. As such the development would erode the visual appearance and character of the open countryside contrary to Policies H1, OC1, OC3, OC4, GD4 and H11 of the Local Plan Saved Policies (2008), Policies H1, S7, EQ2, EQ3 and EQ5 of the Emerging Local Plan and advice contained within the adopted Landscape Character Assessment Supplementary Planning Guidance (2006). The harm caused to the environmental dimension of sustainable development outweighs any social and economic benefits of the scheme and therefore the proposal does not represent sustainable development.*

7.18 The application was the subject of an Appeal, which was duly dismissed. Paragraphs 10-25 of the Appeal Decision contains the Inspector's analysis relating to the impacts on landscape character. The Appeal Decision can be found on the Council's online planning portal using the application reference (HPK/2015/0471). A summary of this analysis is set out as follows:

- *Southern end of Brown Edge Road denser and more suburban in character*
- *Heading northwards, the development becomes confined to a ribbon either side of the road with gaps beginning to develop between houses, taking on a more rural character*
- *The site appears as a back land site on the edge of the urban fringe*
- *Site is located on the flank of a steeply sided valley, and whilst not the focus of any specific views, when viewed from the valley bottom and some viewpoints on the public footpaths on western and northern sides of the valley, the site is clearly visible and appears as part of the moorland/countryside setting, providing the context of the ribbon development*

- *Indicative plans shows that due to a significant drop in levels from west to east across the site and proposed location of the access, there would be very limited alternative options to develop the site, and that a significant amount of engineering would be required to facilitate the proposed development.*
- *Acknowledgement that terracing of sites is not unusual with Buxton, but due to the sites gradient, a significant amount of restructuring would be required, resulting in the creation of substantial structures, which includes a series of retaining walls, which together with approximately 20 units, would introduce a considerable quantum of built form and extensive reworking of topography.*
- *Acceptance that from most viewpoints the proposal would be seen against backdrop of existing house. However, existing properties on Brown Edge Road and Brown Edge Close have been designed to work with the natural contours of the hillside.*
- *With regards to Brown Edge Close, this is a much smaller scheme with terracing elements that are relatively limited compared to the proposal subject of the appeal. However, this existing scheme is prominent within the wider landscape and confirms that the much larger scheme would result in an adverse visual impact on the character and appearance of the area*
- *Accepts that some landscape treatment can be incorporated into the scheme to mitigate the impact of development, but given that retaining works would be required, opportunities for landscaping are fairly limited. Even if it were possible, the introduction of extensive planting would appear out of character in this relatively open landscape*
- *In conclusion:*
 - *Significant engineering works and amount of development would result in urbanisation of the site*
 - *Would lead to the introduction of a different layout and urban grain to the established pattern of development which would be prominent and out of character with the surrounding area*
 - *Furthermore, it would erode the countryside setting of Brown Edge Road and would be visually dominant in views of this side of the valley*
 - *Contrary to Local Plan Policies H1, EQ2, EQ3 and EQ6*

- 7.19 As presented above, this application differs substantially from the appeal scheme. This application seeks full planning permission (as opposed to Outline permission) for a specific number of dwellings (5) to be located west of the internal access road.
- 7.20 Unlike the previous Outline proposal that sought to develop land east of the internal access on the much steeper graded land towards the railway, this application contains the development on the shallower part of the site west of the access road.
- 7.21 This proposal sees the introduction of 5no single storey bungalows, with the location of the access track being consistent with the previous scheme submitted in 2015, with properties set out in a linear fashion mirroring the pattern the of development on Brown Edge Road.
- 7.22 The application has been supported by a detailed and comprehensive Landscape and Visual Impact Assessment (LVIA) which has been the subject of a similarly detailed and comprehensive independent review by Stuart Ryder Landscape, on behalf of the Council.
- 7.23 With regards to potential impacts on landscape character, a summary of Stuart Ryder Landscape's conclusions are set out as follows:
- 5no dwellings would not be perceived as extending the sense of development northwards along Brown Edge Road
 - Internal access or any other development does not extend further eastwards than the extent of Brown Edge Grove with the 5no dwellings being 'bookended' by houses to the south (Brown Edge Grove) and to the north (Lowcroft)
 - Greatest landscape impact will be the changes to the levels of the site, which includes gabions, grading and retaining structures. Building on sides of slopes is not unusual to Buxton, and it is the sensitivity of how that is achieved that is critical.
 - Overall, the landscape effects are considered to be Moderate, Adverse and Temporary at the time of construction, reducing in time with the proposed landscaping to Minor, Adverse and Permanent.
- 7.24 In response to the above, the landscape and visual impacts associated with the larger scheme that to the previous application being refused and subsequently dismissed at appeal are primarily derived from the quantum of development, the scale of encroachment (specifically in a southerly direction away of the pattern of development), and the associated retaining structures and other heavily engineered aspects of development that would be required to accommodate it.

- 7.25 Whilst it is inevitable that the introduction of built forms of development to a rural greenfield site will result in some degree of landscape and visual impacts, it is the case that this revised scheme of 5no dwellings, set out in a simple linear form, significantly reduces the degree of landscape and visual harm comparable to the previous scheme.
- 7.26 Stuart Ryder Landscaping Consultant has concluded that the overall landscape impacts will, following construction, be Minor, Adverse and Permanent, and as such, it is the case that the application will adversely impact the rural landscape character of the site and its wider setting, in conflict with LP Policies EQ2 and EQ3. This harm will need to be weighed against the benefits associated with the application in the overall planning balance.
- 7.27 Turning to potential visual impacts, Stuart Ryder Landscape has considered 8 visual receptor groups, listed as follows:
- Brown Edge Road residents
 - Brown Edge Grove residents
 - Footpath FP1
 - Hogshaw Railway Compound (Housing Allocation)
 - Buxton and High Peak Golf Club
 - A6 Road
- 7.28 With the exception of views from Brown Edge Grove, which was judged to result in a Moderate/Minor Adverse impact, all other visual receptor groups were found to present a Minor Adverse impact. Impacts from the A6 were found to be Negligible Adverse.
- 7.29 In arriving at their conclusions, Stuart Ryder Landscape has had regard to the Indicative Layout presented with the Outline application submitted in 2015, and the conclusions of the Planning Inspector in the subsequent appeal decision.
- 7.30 It is clear that the introduction of 5no dwellings and associated development facilitated by engineering operations, will result in some degree of change to the immediate landscape character, which in turn results in a degree of visual impact. The Council are advised that these impacts are modest/moderate.
- 7.31 As such, it is right to say that as a consequence of development being introduced to a greenfield site that is located in a prominent elevated position, an element of intrusion into the countryside does occur, and therefore the proposed development results in a degree of conflict with LP Policies EQ2 and E3.
- 7.32 In line with the presumption in favour of sustainable development ('the tilted balance') such conflict must be weighed against the public benefits associated with the proposed development in the overall planning balance.

Design, Character and Appearance

- 7.33 LP Policy S1 sets out a number of sustainability principles which all new development proposals should incorporate in order to make a positive contribution towards the sustainability of communities and to protect, and where possible enhance the environment.
- 7.34 LP Policy EQ6 states that all development should be well designed to respect and contribute positively to the character, identity and context of High Peak's townscapes, having regard to matters of scale, height, density, layout, appearance and materials.
- 7.35 The Landscape Character Assessment SPD (2006) contains useful guidance which aims to ensure that proposed residential development is appropriately designed for its surrounding context. The following principles are recommended in relation to the Morland Fringe Landscape Character Area:
- *Simple robust buildings with minimal detailing*
 - *Plain elevations with no porches and with doors and windows recessed into walls*
 - *Particular attention to be paid to design and proportions of windows*
 - *Roofs should be flush with the walls with plain verges*
 - *Downpipes and guttering should be black*
 - *Windows should be set below the ridgeline and not break the eaves*
 - *Wide door openings*
 - *Materials, colours and textures should reflect local characteristics*
- 7.36 The more recently adopted Design Guide SPD (2018) contains further useful guidance for designing new schemes in a manner appropriate for its context. Relevant guidance is presented as follows:
- 3.2 *In the countryside or on the edge of settlements, buildings should sit comfortably in the landscape. This is best achieved by emulating the horizontal, ground-hugging form of traditional buildings with their strong eaves and ridge lines and simple, low silhouettes parallel with the contours.*
- 3.5 *New development, be it a single building or a group, must respect the 'grain' of the settlement. By this is meant the relationship buildings have to the street and to each other.*
- 3.7 *The architectural style of new development should be guided through an assessment and understanding of the character and context of the area.*
- 3.8 *A new building should respect the scale of those surrounding it. Jumps in scale can sometimes be acceptable and can be justified if the development occurs at key locations..*

3.9 *New buildings should use facing materials that either match or compliment those of their surroundings.*

3.14 *The form of a new building can often be a specific response to the brief or the particular setting. This may result in a form that is similar to those of the surrounding buildings but equally could also be different to meet the scheme's specific requirements.*

7.37 Paragraph 135 of the NPPF states amongst other things that decisions should ensure that developments will add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to the surrounding built environment.

7.38 Paragraph 139 of the NPPF goes on to state that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Layout

7.39 The proposed layout of the development is shown on the latest Proposed Site Plan have having a simple linear form that extends northwards from Brown Edge Close with all development situated west of the shared access track, with all land to the east allocated for biodiversity.

7.40 The layout of the scheme replicates the linear form of Brown Edge Close, and as highlighted by the landscape consultant acting on behalf of the Council, is contained within the development envelope of Brown Edge Close.

7.41 Each dwelling has an identical house type, offering a sense of rhythm and symmetry throughout the development, which respects the existing pattern or 'grain' of development, as referred to within the Design Guide SPD

Scale

7.42 Each property is shown to be single storey which is set down below the finished floor levels of properties on Brown Edge Road. The result is that the properties within the proposed development would be read in conjunction with existing development, from eastern receptor points such as the A6 and Fairfield Common and would be subordinate with regards to its scale.

Appearance

- 7.43 The plans show that each property would benefit from a hipped roof which is in keeping with the roof form of existing properties located on Brown Edge Road and therefore considered to be acceptable in design terms.
- 7.44 Each dwelling is shown to be constructed and finished in materials that are traditional to the High Peak, supplemented by an ancillary garage building finished in similar matching materials, which subject to appropriate conditions securing the specific details, are considered to be acceptable in design terms.

Landscaping

- 7.45 A Landscaping Scheme prepared by Barnes Walker (Drawing No: M3753-PA-01-V5). The key aspects of this landscaping scheme are presented as follows:
- Each dwelling provided with soft landscaped garden area to front and rear of each property containing a lawn area, garden trees, and ornamental hedge.
 - Hard landscaping will be incorporated in the form of patios and pedestrian paths serving each dwelling
 - 2m gabion retaining wall sitting south of the internal access road supplemented on both sides by native scrub and native trees
 - Gabion retaining wall running parallel with the rear boundary bordering the rear gardens of properties on Brown Edge Road
 - Soft landscaped area south of the retaining wall beyond the internal access road to be regraded and reseeded with grass seed mix, and retained in perpetuity to deliver on-site Biodiversity Net Gain.
- 7.46 The landscaping details as presented above are considered to amount to an acceptable high level landscaping scheme, that reads as a sensitive and carefully configured proposal that allows the development to best integrate with the existing rural landscape and neighbouring built development.
- 7.47 It will be necessary to secure further details including specific materials, elevational treatment drawings, and therefore appropriately worded conditions are recommended in this regard.
- 7.48 In light of the above it is considered that subject to appropriate conditions the landscaping associated with the proposed development is appropriate.

- 7.49 In light of the above, whilst a degree of conflict exists in relation to LP Policy EQ3 with regards the resultant intrusion into the open countryside as a result of development, it is considered that the design components of the scheme as assessed above taken in isolation aligns with LP Policies S1 and EQ6, the Landscape Character Assessment SPD (2006), High Peak Design Guide SPD (2018), and relevant paragraphs contained under Chapter 12 of the NPPF.

Amenity

- 7.50 LP Policy H3 requires all new housing development to ensure that a high standard of amenity will be experienced by future occupiers, by demonstrating compliance with Nationally Described Space Standards (NDSS), that relates to the overall footprint of a residential property based on the number of storeys and occupancy, and the dimensions of individual bedrooms, again based on occupancy.
- 7.51 LP Policy EQ6 requires all new development to have a satisfactory relationship with existing land and buildings and protects the amenity of the area, which includes residential amenity of neighbouring properties. Aspects of residential amenity include impacts such as a loss of sunlight, overshadowing and overbearing impacts, loss of outlook, and loss of privacy.
- 7.52 LP Policy EQ10 seeks to ensure that people and the environment are protected from adverse impacts relating to issues including air pollution, noise, light pollution or any other nuisance or harm to amenity, by securing appropriate mitigation by way of planning conditions and obligations.
- 7.53 The High Peak Residential Design Guide SPD requires extensions to preserve the residential amenity of neighbouring properties, having regard amongst other things to the relationship between existing and proposed development, the positioning of windows, and the change in land levels. A minimum of 21m should be achieved between existing and proposed habitable windows.
- 7.54 Paragraph 135 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.
- 7.55 Paragraph 198 of the NPPF states that policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development, ensuring that matters relating to aspects including noise and light pollution are satisfactorily mitigated.

Residential Amenity

- 7.56 With regards to the amenity for future occupiers of the proposed dwellings, each plot is shown to benefit from a modest area of outdoor amenity (garden) space to the front and rear.
- 7.57 Each dwelling is single storey with 3no bedrooms, all of which exceed the minimum dimensions for a double bedroom. Similarly, the overall footprint of each property exceeds the minimum 95m² required to serve a 3no bedroom property with a maximum occupancy of 6 people.
- 7.58 It is therefore considered that the proposed development would provide a high standard of amenity for future occupiers.
- 7.59 Turning to potential impacts on neighbouring properties, existing properties are located adjacent to and to the south of Brown Edge Road. These properties are two storey, with rear elevations and principal window facing towards the application site.
- 7.60 The topographical information and Proposed Site Plan shows that finished floor level of the rear boundary of existing residential properties east of Brown Edge Road is 327-328m, compared to the finished floor level of proposed dwellings which stand at 323m.
- 7.61 The Section Drawings confirm that a gabion stone wall would define the western boundary of the site which would stand between 1-3m in height, designed and built to engineer specification.
- 7.62 The western elevation of the proposed bungalows and existing rear elevations of properties on Brown Edge Road are separated by a distance of 23m. Owing to the scale of the proposed dwellings, the change in land levels and proposed boundary treatment, potential issues regarding overlooking and privacy, in addition to other potential impacts regarding overbearing impacts and loss of sunlight, have been satisfactorily addressed.
- 7.63 Turning to potential impacts to the nearest properties located on Brown Edge Close, the nearest Plot (Plot 1) would be situated approximately 18m from the side elevation of No.3 Brown Edge Close. The side elevation facing Plot 1 does not contain any habitable windows, and is orientated at an angle so that it does not directly front this nearest property. As such, the residential amenity of this neighbouring property, or indeed any other property on Brown Edge Close, is considered to be preserved with regards to overbearing impacts, overlooking, loss of privacy, and loss of sunlight.
- 7.64 Lastly, No.1 Lowcroft is situated to the north of the site, located in excess of 60m from the nearest proposed dwellinghouse (Plot 5). At this distance and given the scale of the proposed dwellings, there are

not considered to be any harm to the amenity of this neighbouring property arising from the application.

- 7.65 In the interests of preserving the residential amenity of future occupiers residing at each property within the development, and occupiers of existing properties that border the site, it is recommended that a condition be applied which removes Permitted Development rights for domestic development most notably including extensions and outbuildings, as set out under Schedule 2, Part 1, Classes A-E of the General Permitted Development Order (GPDO).
- 7.66 In conclusion, the proposed development is, subject to conditions, considered to provide a high quality of amenity for future occupiers and preserve the residential amenity of neighbouring properties, in accordance with LP Policy EQ6, the Residential Design Guide SPD, and relevant paragraphs contained under Chapter 12 of the NPPF.

Public Amenity

- 7.67 The application has been reviewed by the Council's Environmental Health Officer with regards to any potential impacts to public health both during the construction and operational period of the proposed development.
- 7.68 Comments confirm that there are no objections subject to a number of conditions being imposed on any consent. A review of the list of recommended conditions has revealed that some conditions are either not relevant to this specific scheme, or, are not necessary or indeed reasonable, owing to the fact that they controls and restrictions already exist under other environmental legislation.
- 7.69 As such, subject to conditions which are deemed to meet the relevant tests within the online Planning Practice Guidance (PPG), the application is considered to be acceptable with regards to its potential impacts on public health, in accordance with LP Policy EQ10 and relevant paragraphs under Chapter 15 of the NPPF.

Ecology & BNG

- 7.70 The Environment Act (2021) came into force in 2024 and places a legal requirement for all new development to provide a 10% uplift in Biodiversity Net Gain (BNG) either on site, or, if this cannot be achieved, off-site via appropriate channels.
- 7.71 LP Policy EQ5 requires all new development proposals to demonstrate that any protected species and habitats within the site will not be adversely affected and seeks to promote a nett gain in biodiversity by securing appropriate mitigation and ecological enhancements where appropriate.

- 7.72 Paragraph 187 of the NPPF states that policies and decisions should contribute to and enhance the natural environment, by (amongst other things) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs.
- 7.73 Paragraph 193 of the NPPF states that when determining planning applications, local planning authorities should apply a number of principles. If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Protected Species

- 7.74 The site is not constrained by any statutory ecological designation but does contain suitable habitat to support protected species. Further to queries and points of clarification raised by Derbyshire Wildlife Trust in their original consultation response, a revised Preliminary Ecological Appraisal and BNG Assessment (Rev D) has been submitted by qualified ecologist Rachel Hacking Ecology (2024).
- 7.75 In considering the potential impacts on protected species and reviewing the latest revision of this document, Derbyshire Wildlife Trust has confirmed that subject to appropriate conditions which includes a Species Enhancement Plan, they are satisfied that no adverse impacts will occur as a consequence of the proposed development.

Biodiversity Net Gain

- 7.76 A review of the latest BNG Assessment, which aligns with a revised Site Plan which shows the red edge to correspond with land to be allocated to BNG, confirms that the accepted metric predicts a net gain of +0.95 habitat units (38.76%) and + 0.08 hedgerow units (39.30%) will be achieved on site, on land east of the internal access road.
- 7.77 PPG Guidance states that where on site gains are significant, Biodiversity Net Gain and ongoing management and monitoring for the required 30 years should be secured via a S106 Agreement.
- 7.78 In this case, Derbyshire Wildlife Trust have expressed no preference as to whether on site BNG is secured by way of a condition or a S106 Agreement.
- 7.79 Owing to the fact that a S106 Agreement is required in order to secure other (off site) mitigation measures in order to achieve Nutrient Neutrality (see below), the Council are of the view that it would be beneficial to incorporate BNG delivery into the S106, particularly given

the fact that monitoring fees associated with the significant amount of work associated with the ongoing 30 year monitoring of the site can be sought from the applicant, which cannot be achieved through planning conditions.

- 7.80 Other planning conditions as recommended by DWT in relation to matters including landscaping and biodiversity enhancement are necessary and are recommended.
- 7.81 In light of the above, Officers are satisfied that subject to appropriate conditions, the proposed development will not give rise to any harm to protected species and that the legally required uplift of Biodiversity Net Gain can be delivered on site, alongside Biodiversity Enhancement Measures, in accordance with LP Policy EQ5 and relevant paragraphs contained under Chapter 15 of the NPPF.

Nutrient Neutrality

- 7.82 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

- 7.83 The application seeks full planning permission for 5no dwellinghouses that would result in a clear increase in overnight stays.
- 7.84 This report is accompanied by a Habitat Regulations Assessment (HRA) undertaken by High Peak Borough Council as the competent authority. Stage 1 contains the screening assessment and has been prepared having regard to the Nutrient Neutrality Assessment and Mitigation Strategy prepared by Brookbanks (Ref: 11537 NNAMS 01 Rev 02, dated 05.01.2026).
- 7.85 Further to clarification being sought from Natural England, the figures in the relevant table have been updated. Further to the HRA being updated in line with Natural England comments, the Phosphorous Load from existing development wastewater is 0.09 Kg/yr, whilst the existing load from the current land use is 0.17 Kg/yr.

- 7.86 Turning to the proposed use, the calculated Phosphorous Load is calculated to total 1.29 Kg/yr, which when applying the required 20% buffer, results in a total of 1.44 Kg/yr (a net increase of 1.27 Kg/yr) of Phosphorus that without appropriate mitigation would result in a significant effect on the integrity of the Peak District Dales Special Area of Conservation.
- 7.87 As such, an Appropriate Assessment is required in order to assess how the net increase in Phosphorus discharge to the River Wye can be mitigated in order to achieve Nutrient Neutrality.

Appropriate Assessment

- 7.88 As set out within the accompanying Nutrient Neutrality Assessment and Mitigation Strategy, the proposed mitigation to achieve Nutrient Neutrality is to be delivered off-site, by upgrading an existing Septic Tank to a Package Treatment Plant (PTP).
- 7.89 It has been established that the upgrading of the Septic Tank to a PTP will generate 3.90 kg /TP year credits, which therefore results in a betterment of 2.46 Kg TP/year when taking into account the 1.44 Kg TP generated by the proposed development.
- 7.90 The Council are satisfied that the above Nutrient Neutrality can be secured by a legally binding Section 106 Agreement, which will be signed by the applicant, the Local Planning Authority, and all other parties with an interest in the land prior to the Decision Notice being issued. The Agreement will secure the following:
- (i) the specific schedule of works that constitute the approved mitigation measures
 - (ii) the works will be carried out by a suitably qualified professional
 - (iii) the works will be completed prior to commencement of development
 - (iv) completed works will be inspected by a suitably competent professional and will be approved by the Local Planning Authority following the submission of verification report by that professional.
 - (v) the ongoing maintenance of the PTP being the responsibility of the applicant
- 7.91 Subject to this S106 Agreement being in place, the proposed development will not have a likely significant impact on or affect the favourable conservation status of the Peak District Dales SAC and therefore act against the stated conservation objectives of the European sites.

Trees

- 7.92 LP Policy EQ9 relates specifically to trees, woodland and hedgerows, and requires that existing woodlands, healthy mature trees and hedgerows are retained and integrated within a proposed development unless the need for, and benefits of, the development clearly outweigh their loss.
- 7.93 The application is supported by a Tree Constraints Plan and Tree Schedule which confirms that a total of 27no trees and 3no hedgerows of varying quality.
- 7.94 The Schedule confirms that no trees are to be removed or indeed pruned to facilitate the proposed development. It is therefore clear that the proposed development would not result in any loss or harm to trees.
- 7.95 The Landscaping Plan contains a planting schedule setting out the number, location and species of native trees to be planted within the development.
- 7.96 Whilst the Tree Officer has confirmed that no trees would be adversely affected by the development, this consultee does consider that the proposed development would benefit from a tree planting schedule notwithstanding what has been submitted with the application, which can be secured by way of planning condition.
- 7.97 As such, the application is considered to comply with LP Policy EQ9 and is acceptable with regards to the potential impacts to existing trees and planting of additional trees.

Flood Risk and Drainage

- 7.98 LP Policy EQ11 requires development to be designed in a manner that adequately mitigates and does not give rise to an increase in flood risk, either on site, or within the wider area. National policies aimed at meeting the challenge of climate change which includes flood risk are contained under Chapter 14 of the NPPF.
- 7.99 The site is located within Flood Zone 1 and as such there is no requirement for a Flood Risk Assessment to be submitted with the application.
- 7.100 At the time of writing, no comments have been received from Severn Trent Water. Given the modest nature of the development, and that the site is located within Flood Zone 1, it is not considered reasonable or necessary to impose a drainage condition owing to the fact that such technical matters would be dealt with under separation housing legislation outside of the planning system (i.e. Building Regulations).

7.101 As such, the application is considered to be acceptable in relation to matters of Flood Risk and Drainage in accordance with LP Policy EQ11 and relevant paragraphs contained under Chapter 14 of the NPPF.

Parking Provision and Highway Safety

7.102 LP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner and that all new development is located where it can be satisfactorily accommodated within the existing highway network.

7.103 Paragraph 115 of the NPPF states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users.

7.104 Paragraph 116 of the NPPF goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.105 The site would be accessed via a new internal access road that would essentially be a continuation of Brown Edge Close beyond the turning head.

7.106 The internal access road would extend northwards with each property benefiting from their own parking and turning area. The Proposed Site Plan shows that Plots 1-3 would benefit from 2no parking spaces, one of which is located within a single ancillary garage, whilst Plots 4-5 show the provision of 4no parking spaces.

7.107 The amount of off-street parking provision aligns with and indeed exceeds the Council's parking standards set out under Appendix 1 of the Local Plan, which requires a 3 bedroom property to provide a minimum of 2no parking spaces.

7.108 Following points of clarification that have been addressed by way of a revised Proposed Site Plan and Planning Statement Addendum being submitted, the Highways Authority are satisfied that the proposed development in its latest form would not give rise to any harm to highway safety with regards to the proposed access including dimensions or the internal access road, turning and manoeuvring provision for vehicles, and intensification of vehicle movements.

7.109 In light of these latest comments, Officers are satisfied that the all matters relating to highway safety have been adequately addressed subject to appropriate planning conditions, in accordance with LP Policy CF6 and relevant paragraphs under Chapter 9 of the NPPF.

Other Matters

Land instability and impact on existing properties

- 7.110 Concerns have been raised by neighbours in respect of the topography of the site, the structural integrity of the land, and potential impact on neighbouring properties.
- 7.111 NPPF paragraph 197 says that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
- 7.112 However, the scheme shows the provision of a retaining wall along the western boundary, detailed specifications of which will need to be submitted and approved prior to commencement of development as a planning condition.

Lack of affordable housing

- 7.113 Concerns have also been raised regarding the absence of any affordable housing provision within the proposed development. In order for the Council to be able to secure affordable housing provision, a development must contain 10 residential units or more, and therefore no such provision can be requested under relevant planning policies.

Lack of existing infrastructure

- 7.114 Lastly, concerns have been raised citing the lack of infrastructure to support this proposed development. Building Regulations will require a drainage scheme to be approved in order to facilitate the proposed development.
- 7.115 Owing to the very modest number of properties proposed, it is accepted that the existing infrastructure is indeed able to support this modest development. The site falls below the threshold for s106 contributions for local infrastructure provision.

Planning Balance & Conclusion

- 7.116 LP Policy S1a reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF).
- 7.117 Paragraph 8 of the NPPF confirms that achieving sustainable development means that the planning system has three overarching objectives, which are independent and need to be pursued in mutually supportive ways:
- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types

is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

7.118 Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination

7.119 The application seeks full planning permission for 5no dwellinghouses and associated development including an internal access road, hard and soft landscaping, on a site that lies outside of the built-up area boundary in the open countryside. The site is not constrained by any statutory designation.

7.120 This application follows a previous application submitted for a much larger housing development that covered a wider parcel of land that was refused and subsequently dismissed at appeal.

7.121 The Council are currently unable to demonstrate a 5-year supply of deliverable housing land and as such the presumption in favour of sustainable development is engaged, meaning that planning permission should be granted unless there are any identified harms that significantly or demonstrably outweigh the benefits associated with the application in the overall planning balance.

Benefits

7.122 As set out in detail within Section 7.0 of the supporting Planning Statement, there is a urgent drive from national Government to deliver 1.5 million homes throughout this parliamentary term (2029), and focus on a Written Ministerial Statement published by (at the time) the Deputy Prime Minister and Secretary of State of Housing that includes reference to an increase in housing targets that came to pass with the publication of the latest version of the NPPF (Dec 2024).

7.123 High Peak Borough Council now have a housing need of 585 dwellings per annum, as opposed to 243 dwellings per annum that was the calculated need under the previous methodology.

7.124 The application will deliver 5no dwellinghouses that will make a small but nevertheless positive contribution towards the Council's inflated housing target. The application would also see indirect economic benefits generated during the construction phase of the development, aligning with the economic objective of sustainable development. In line with relevant paragraphs contained under Chapter 5 of the NPPF when taken together these benefits are attributed substantial weight in the overall planning balance.

7.125 Whilst the site is located in the open countryside, it is well related to the existing pattern of development and located within a highly sustainable location with regards to its walking and cycling connections to Buxton Town Centre, which contains a wide range of essential services, facilities, employment opportunities, educational institutions and public transport links. There would therefore be less of a reliance on the private vehicle. As such, the application would make a positive contribution to the social and environmental objectives of Sustainable Development. These benefits are attributed moderate weight in the overall balance.

Harm

7.126 The site lies in the open countryside, in an elevated location, and visible from short-middle distance views. As set out within the body of this report, the Council's assessment of the resultant Landscape and Visual impacts have been informed by detailed and comprehensive comments prepared by Stuart Ryder Landscape Consultant.

- 7.127 In assessing the visual impact of the proposed development from a number of different viewpoints, Stuart Ryder, acting on behalf of the Council has concluded that with the exception of views from Brown Edge Grove, which was judged to result in a Moderate/Minor Adverse impact, all other visual receptor groups were found to present a Minor Adverse impact. Impacts from the A6 were found to be Negligible Adverse.
- 7.128 In light of the above, it is clear that the application will result in unavoidable landscape and visual impacts, given the fact the site is currently greenfield, that is situated in an elevated location and visible from nearby receptors, and as a result the application conflicts with LP Policies EQ2 and EQ3.
- 7.129 In the overall planning balance, the Council attribute significant weight to this harm.
- 7.130 Subject to the signing of a S106 Agreement, and appropriate conditions, officers are satisfied that the application is compliant with the Local Development Plan, Supplementary Planning Guidance, and the National Planning Policy Framework, in all other aspects.

Planning Balance

- 7.131 Officers fully acknowledge that when having regard to all relevant material considerations, the application is finely balanced.
- 7.132 It is judged on this occasion that the resultant harm generated by the landscape and visual impacts of the development do not significantly and demonstrably outweigh the benefits associated with the application that support the economic, social and environmental objectives of sustainable development.
- 7.133 As such, on balance, Officers recommend the application be granted subject to the completion of a S106 Agreement required to secure off-site mitigation and achieve Nutrient Neutrality and appropriate conditions.

8. RECOMMENDATIONS

- A. APPROVE subject to S106 Agreement to secure on site BNG & Nutrient Neutrality and planning conditions as follows;**

Standard Conditions

1. *Time Limit 3 Years*
2. *Approved Plans and Documents*

Design & Landscape

3. *Schedule of Materials to be submitted and approved prior to any works above foundation level*
4. *Details of Boundary Treatment to be submitted and approved prior to any works above foundation level*
5. *Landscaping to be carried out in accordance with approved Landscaping Plan*
6. *Timescales for Landscaping to be implemented (first growing season)*
7. *Full details of gabion walls including height, material, colour to be submitted and approved prior to commencement*

Public Health

8. *Unidentified Land Contamination – written scheme and phased risk assessment together with remediation scheme to be submitted and approved, implemented in line with agreed details*
9. *If piling is necessary, an assessment shall be submitted and approved prior to any commencement of piling. No piling to take place outside of the hours 09:00 and 16:00 Monday-Friday*
10. *All construction activities including deliveries of materials shall be strictly limited to the following times:*
 - 07:30 – 18:00 hrs Monday to Friday
 - 08:30 – 14:00 hrs Saturdays
 - No working permitted on Sundays or Bank Holidays

Ecology

11. *BNG Gain Plan to be submitted and approved prior to commencement*
12. *Habitat Monitoring Plan to be submitted and approved prior to commencement*
13. *Herptile Method Statement to be submitted and approved prior to commencement*
14. *Lighting Strategy to be submitted to and approved in writing prior to any works above foundation level*
15. *Species Enhancement Plan to be submitted to and approved in writing prior to commencement*

Trees

16. *Notwithstanding the landscaping details submitted, a tree planting schedule to be submitted and approved prior to any works above foundation level. Implemented in first planting season in accordance with details.*

Highways

17. *Access, parking and turning facilities to be fully implemented prior to first occupation*
18. *Approved visibility splays to be provided prior to first occupation*

Other

19. *Removal of Permitted Development rights for domestic extensions and outbuildings under Schedule 2, Part 1, Classes A and E of the GPDO.*

- B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 187 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

