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High Peak Borough Council

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TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1995

FULL PLANNING APPLICATION

PERMISSION

Applicant
Amos Commercial Ltd
Alexandra House Queen Street
Leek
ST13 6LP

Agent
Ken Wainman Associates Ltd
29A St Edward Street
Leek
ST13 5DN

Application no. HPK/2010/0594

Registered on 15/11/2010

Determined on 17/01/2011

High Peak Borough Council hereby **PERMIT** this application for **FULL PLANNING PERMISSION** for

Demolition of existing buildings and erection of 10 dwelling houses at Garden House Farm Tongue Lane Fairfield Buxton

in accordance with the submitted application, details and accompanying plans listed below subject to the following conditions and reasons:-

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission unless some other specific period has been indicated in other conditions given.

2. Before any other operations are commenced (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials/ site accommodation/ loading and unloading of goods vehicles/ parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs

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to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

3. Prior to the commencement of development on site, revised drawings shall be submitted to and approved in writing with the Local Planning Authority showing the provision of a turning head, carriageway widening, and a 2m wide footway to the frontage of the site with Tongue Lane. No dwelling shall be occupied until that part of the highway / footway which provides access to it has been constructed in accordance with the approved drawings and constructed up to base course level. The wearing course shall then be completed to a timescale which has previously been agreed in writing with the Local Planning Authority.

4. The houses hereby approved shall not be occupied until a new vehicular access has been created to Tongue Lane in accordance with the revised application drawings, laid out, constructed and provided with 2.4m x maximum achievable visibility splays in either direction, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

5. 2.4m x maximum achievable visibility splays shall be maintained throughout the life of the development from the existing access onto Victoria Park Road, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

6. The houses , the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking of residents/ visitors vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use. Details of all parking spaces shall have first been submitted to and approved in writing with the Local Planning Authority. No dwelling shall be occupied until the parking spaces have been constructed in accordance with the approved drawings and constructed up to base course level. The wearing course shall then be completed to a timescale which has previously been agreed in writing with the Local Planning Authority.

7. No development shall take place until a site investigation has been carried out to assess the type, location and quantities of contaminants, in accordance with a scheme to be agreed, in writing, with the Local Planning Authority. The results of the site investigation shall be submitted to the Local Planning Authority as soon as they are available.

8. Where the presence of contamination is confirmed, no development shall commence until satisfactory remedial measures have been agreed in writing with the Local Planning Authority to remove or render harmless any contaminants found. The approved remediation scheme shall be implemented.

9. Any additional or unforeseen contamination encountered during the development of the site shall be notified to the Local Planning Authority as soon as is practicable. A scheme to deal with this contamination shall be submitted to the Local Planning Authority in writing. The

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approved remediation scheme shall be implemented.

10. If during development works any contamination should be encountered, detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the "Contamination Proposals") shall be submitted to and approved in writing by the Local Planning Authority.

11. No construction/demolition work at the site shall take place outside the following hours:-

1. 0700 hours to 1900 hours Mondays to Fridays.
2. 0800 hours to 1600 hours on Saturdays.
3. At any time on Sundays or Public Holidays except by agreement with the Local Planning Authority.
4. All deliveries to the site shall be limited to within the above hours.

Any equipment which needs to be operated outside the hours specified above shall be accoustically screened in accordance with a scheme to be agreed with the Local Planning Authority.

12. No piling shall take place outside the hours 0900 hours to 1600 hours Mondays to Fridays.

13. No development shall commence until samples of the materials to be used in the construction of the external surfaces of the approved development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

14. There shall be no habitable room windows to the side gables of Plots 1,6, or 7 as indicated on the approved plans.

15. Prior to the commencement of development on the site a scheme of lighting to the car parking area off Victoria Park Road shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to theoccupation of the development.

Reasons

1. The time limit condition is imposed in order to comply with the requirements of sections 91, 92, 93 and 56 of the Town and Country Planning Act 1990 and section 51 of the Planning and Compulsory Purchase Act 2004.

2. To ensure satisfactory service provision in the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

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3. To ensure that the site is developed in a safe manner and ensure a satisfactory standard of development in the interests of the amenity of the area, in accordance with Policies TR5 and GD5 of the High Peak Saved Local Plan Policies 2008.

4. In order to provide adequate visibility from the site in the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

5. In order to provide adequate visibility from the site in the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

6. To ensure satisfactory service provision in the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

7. To ensure that the site is developed in a safe manner in the interests of the amenity of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

8. To ensure that the site is developed in a safe manner in the interests of the amenity of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

9. To ensure that the site is developed in a safe manner in the interests of the amenity of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

10. To ensure that the site is developed in a safe manner in the interests of the amenity of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

11. In order to protect the amenities of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

12. In order to protect the amenities of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

13. In the interests of visual amenity, in accordance with Policy GD4 (and Policies BC5 and BC8 in respect of developments in conservation areas/listed buildings) of the High Peak Saved Local Plan Policies 2008.

14. To ensure a satisfactory standard of development, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

15. To ensure that the site is developed in a safe manner in the interests of the amenity of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

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Summary of reasons for granting permission

The decision to grant planning permission has been taken because the Council considers that the application has put forward a proposal that will provide a housing development within the Built-Up Area Boundary, in an area that is primarily residential in character. The proposed scheme will reflect the scale and character of other houses in the vicinity and has been designed to avoid overlooking of neighbouring properties. The scheme provides a satisfactory level of car parking space and will enable the provision of a turning head and footways to Tongue lane.

The decision to grant planning permission has also been taken having regard to all other relevant material planning considerations and to the following relevant policies and proposals in the Development Plan.

POLICIES RELEVANT TO THIS DECISION

High Peak Local Plan Saved Policies

GD2 - Built up area boundaries
H5 - Housing within the Built up Area Boundaries
GD4 Character Form and Design
GD5 Amenity
H11 Layout and Design of Residential Development
TR5 Access Parking and Design

Notes to Applicant

a) Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director, Environmental Services at County Hall, Matlock (tel: 01629 538582 and ask for the Senior Project Engineer, Mr C Allwood). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

b) The Highway Authority recommends that the first 5m of the proposed access driveways should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the householder.

c) Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

d) Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's

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responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

Plans
The plans to which this Notice refers are listed below:

Location Plan
40B
42
43
Sheet 1

Please Note: This decision notice does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting the Councils Building Control Section on 0845 129 7777.

Any other statutory consent necessary must be obtained from the appropriate authority.

Where a vehicle is often driven across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may, be required to pay the cost of construction of a crossing, and/or may be required to comply with conditions, imposed by the Authority. You should contact the Highway Authority, Derbyshire, County Council at County Hall, Matlock, Derbyshire, tel. 01629 580000.

This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. **A fee is payable to us for the discharge of condition. Please refer to our web site : www.highpeak.gov.uk for details.** If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a “condition precedent”. The following should be noted with regards to conditions precedent:
(a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
(b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.

Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.

The permission is granted in strict accordance with the approved plans. It should be noted however that:
(a) Any variation from the approved plans following commencement of the development irrespective of the degree of variation will constitute unauthorised development and may be liable to enforcement action.

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(b) Variation to the approved plans will require the submission of a new planning application.

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