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TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

FULL PLANNING APPLICATION

PERMISSION

Applicant Mr Mark Berry
6 Grange Road
Buxton
SK17 6NN

Agent AJS Architecture
32 Carr Road
Buxton
SK17 6WF

Application no. HPK/2011/0021

Registered on 18/01/2011

Determined on 14/03/2011

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

Change of Use from former AC Plastics building to form a 3 bedroom dwelling with integrated 1 bedroom annexe at ground floor. at Old Bakehouse Works Dale Side 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. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons

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and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;
(ii) an assessment of the potential risks to:
- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;
(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

3. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

4. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

   Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

5. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

   Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

6. No construction work at the site shall take place outside the following hours:-

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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.

7. The materials of external construction shall match those used on the existing building in their colour, form and texture, unless otherwise agreed in writing with the Local Planning Authority.

8. The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling.

9. The premises, the subject of this application shall not be occupied until the on site parking provision as approved has been provided. The garage shall be fitted with a roller shutter door, and thereafter be retained for the provision of parking.

10. No doors or windows at ground floor level shall open out over the highway. Additionally the electricity meter shall be recessed and the steps shall be internal only.

11. The fire escape steps as shown on the front elevation and sited within the publicly maintainable highway shall be removed within 28 days of the date of this consent, or within a timescale to be agreed in writing by the Local Planning Authority.

12. Prior to the occupation of the development hereby approved details for the storage of refuse shall be submitted to and approved in writing by the Local planning Authority. Thereafter the agreed details shall be implemented before first occupation, and thereafter retained permanently.

13. No caravans or other domestic paraphernalia shall be located, parked or stored within the designated parking area unless agreed in writing by the local Planning Authority.

14. Prior to the commencement of development, a scheme shall be submitted to and approved in writing the Local Planning Authority detailing how the site compound, site operatives' vehicles, deliver vehicles and construction works are likely to affect the adjacent highway including pedestrian footway and other premises in the vicinity. The details shall include locations and traffic management. The approved scheme shall be implemented in full during the construction works.

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 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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5. 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.

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

7. 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.

8. To ensure the proposed use remains ancillary to the principle use on the site. The use may otherwise give cause for objection having regard to applicable standards and guidelines.

9. In accordance with the Councils car parking standards and in accordance with Policy TR5 of the HIgh Peak Saved Local Plan Policies 2008.

10. In the interests of the adopted highway and in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

11. In the interests of the adopted highway and in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

12. In the interests of the adopted highway and in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

13. In the interests of the adopted highway and in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

14. In the interests of the adopted highway and in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

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 which would not harm the residential amenities of the surrounding area or the safe operation of the adjoining highway.

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

BC1 - External Materials
Archaeological and Other Heritage Features
EMP 9 - Change of Use from Industry or business
GD2 – Built up Area Boundaries
GD4 - Character Form and Design
GD5 - Amenity
H1 - Principles of Housing Provision

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H4 - Housing in Buxton
H5 - Housing within the Built up Area Boundaries
TR5 - Access, parking and design

National Planning Policy

Planning Policy Statament1: Delivering Sustainable Development

Planning Policy Statement 3: Housing

Notes to Applicant

1. The applicants attention is drawn to the comments of the Highway Authority, dated 4th March 2011.

Plans
The plans to which this Notice refers are listed below:
Location Plan
Site Plan
Photo 01
Existing 01
Existing 02
Existing 03
Existing 04
Existing 05
Existing 06
Proposed 01a
Proposed 02a
Proposed 03a
Proposed 04a
Proposed 05a
Proposed 06a

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.

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

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Andy Ellis – Development Control Manager