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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 (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

FULL PLANNING APPLICATION

PERMISSION

Applicant Mr Gareth Spiller
Taylor Wimpey Yorkshire
Sandpiper House Peel Avenue
Calder Park
Wakefield
WF2 7UA

Agent

Application no. HPK/2011/0202

Registered on 07/04/2011

Determined on 01/06/2011

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

Resubmission of HPK/2010/0658 to construct 2 x Gabion retaining walls to provide stabilisation of river embankment adjacent/extension of existing head wall at Land At Otterhole Farm St Johns Road 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. No development shall take place except between August and March, being outside the bird nesting season, unless a prior survey has been submitted to ensure no nesting birds will be disturbed and only with the prior written approval by the Local Planning Authority.

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Andy Ellis – Development Control Manager

3. No development shall take place except in complete accordance with the recommendations set out in Sections 5 and 6 of the Ecological Assessment by James Blake Associates, March 2011.

4. Prior to the commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority for the following:

   1. Details of the soil to the placed in the gabions and the seed to be used.
   2. A timetable for the monitoring of the vegetative matting and the condition of gabions.
   3. Details of any remediation measures required to address any signs of failure or subsidence of the gabion baskets.

   Thereafter the approved details shall be implemented in full.

5. No development shall take place until revised details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include the number, sizes and species of the proposed planting, car parking layout, other vehicle and pedestrian access and circulation areas and hard surfacing materials.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the retaining wall and stabilisation works and any trees or plants which within a period of 5 years from the completion of the approved scheme die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written consent to any variation.

7. All works associated with the construction of 2 no gabion retaining walls to provide stabilisation of river embankment adjacent/extension of existing head wall shall be undertaken in complete accordance with Arboricultural statement JBA 05/21.AR04 and plan ref JBA 05/21 TS05.

8. Before any other operations are commenced, a scheme for the storage of plant and materials, site accommodation, loading and unloading of goods vehicles/ parking and the route for the movement of any materials onto the site shall be submitted to and approved in wiriting by the Local Planning Authority. Thereafter the approved scheme shall be implemented in full for the duration of 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. In the interests of nature conservation and in accordance with Policy OC8 and guidance contained within PPS9: Biodiversity and Geological Conservation.

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4. In the interests of the stability of the gabions and the river environment and to ensure that the measures do not fail and increase the risk of flooding elsewhere in the locality and in accordance with PPS25: Development and Flood Risk.

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Andy Ellis – Development Control Manager

5. In the interests of the existing landscape features and in accordance with Policy OC10 of the High Peak Saved Local Plan Policies 2008.

6. In the interests of the existing landscape features and in accordance with Policy OC10 of the High Peak Saved Local Plan Policies 2008.

7. In the interests of the existing landscape features and in accordance with Policy OC10 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 visual amenities, nature conservation interest and existing landscape features of the locality.

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
GD4 - Character Form and Design
OC1 - Countryside Development
OC4 - Landscape Character and Design
OC10 - Trees and Woodlands

National Planning Policy

Planning Policy Statement 9: Biodiversity and Geological Conservation

Planning Policy Statement 25: Development and Flood Risk

Notes to Applicant

Plans

The plans to which this Notice refers are listed below:
Location Plan
33232/001 Rev B
JBA 05/21 TS05
JBA 05/21-04

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.

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

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Andy Ellis – Development Control Manager