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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 Carl Oxley
Ben Bailey Homes And The Derbyshire
Fire Authority
C/o Ben Bailey Homes Dale House
9 Tally's End
Barlborough
S43 4WP

Agent RPS Newark
Sherwood House
Sherwood Avenue
Newark
NG24 1QC

Application no. HPK/2011/0424

Registered on 30/08/2011

Determined on 29/11/2011

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

Resubmission of HPK/2010/0539 for demolition of existing fire station to be replaced by 21 no. unit residential development at Buxton Fire Station Compton Grove 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

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Planning Applications Manager

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 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. The premises, the subject of the application, shall not be occupied until the proposed new estate street between each respective plot and the existing public highway have been laid out in accordance with the revised application drawings to conform to the County Council's current adoptable criteria, constructed to base level, drained and lit in accordance with the County Council's specification for new housing development roads.

4. The premises, the subject of the application, shall not be occupied until new vehicular and pedestrian accesses have been created to individual plots in accordance with the revised application drawings, laid out, constructed and provided with 2.4m x 23m 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. Individual accesses to each plot, the subject of condition 5 above, shall not be taken into use until 2m x 2m x 45 degree pedestrian intervisibility splays have been provided on either side of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater 0.6m in height relative to footway level.

6. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the revised application drawings for the parking of residents and visitors vehicles (including secure covered cycle parking), laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

7. The proposed access driveways to the new estate street shall be no steeper than 1 in 14 for the first 5m from the nearside adoptable highway boundary and 1 in 10 therefter.

8. Any gates shall open inwards only.

9. No construction 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 acoustically screened in accordance with a scheme to be agreed in writing with the Local

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Planning Authority.

10. Prior to the commencement of development on site a scheme for the surpression of dust generated through the demolition of the existing buildings shall be submitted to approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

11. No development shall take place until full details of both hard and soft landscape works, including an accurate tree survey, have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.

12. 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 first occupation of the buildings and no later than 12 months of that occupation or the completion of the development, whichever is the sooner, 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.

13. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased with five years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

14.
(a) No development or other operations shall commence on site until a scheme (herein after called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of any Tree Preservation Order currently in force, has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.

(b) No operations shall commence on site in connection with the development hereby approved (including demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

(c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

(d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

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15. No development or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/ or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such Method Statement shall include full details of the following:

a) Implementation, supervision and monitoring of the approved Treet Protection Scheme.

b) Implementation, supervision and monitoring of the apporved Tree Works Specification including methods of working that take into account protected species on the site.

c) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme

d) Timing and Phasing of Arboricultural works in relation to the approved development.

16. The materials of external construction shall be artificial stone to the walls with grey tiles to the roof in accordance with the application details unless a suitable alternative has been submitted and agreed in writing by the Local Planning Authority.

17. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until the following have been complied with. If unexpected contamination is found after the development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until these conditions have been complied with in relation to that contamination.

A. Site Characterisation
An investigation and risk assessement, 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 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,

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-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'

B. Submission of Remediation Scheme
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.

C. Implementation of the Approved Remediation Scheme
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 remediation scheme works.

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

D. Reporting of Unexpected Contamination
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 and where remediation is necessary a remediation scheme must be prepared in accordance with a scheme 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.

18. Prior to the commencement of development on site, details of the proposed boundary treatment, along with a programme for its implementation, shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reasons

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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.

3. In the interests of highway safety, in accordance with Policy TR5 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. In the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

8. In the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

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

10. In the interests of amenity, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

11. In the interests of visual amenity, in accordance with Policy GD6 of the High Peak Saved Local Plan Policies 2008.

12. In the interests of visual amenity, in accordance with Policy GD6 of the High Peak Saved Local Plan Policies 2008.

13. To ensure the continued well-being of the trees in the interests of the amenity and environmental quality of the locality, in accordance with Policy GD5 and OC10 of the High Peak Saved Local Plan Policies 2008.

14. To ensure the continued well-being of the trees in the interests of the amenity and environmental quality of the locality, in accordance with Policy GD5 and OC10 of the High Peak Saved Local Plan Policies 2008.

15. To ensure the continued well-being of the trees in the interests of the amenity and environmental quality of the locality, in accordance with Policy GD5 and OC10 of the High

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Peak Saved Local Plan Policies 2008.

16. 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.

17. 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.

18. To ensure adequate and appropriate treatment to all boundaries.

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 residential accommodation within the built-up area boundary in a primary residential area. The site is a brownfield site in a sustainable location close to public transport links and within walking distance of local amenities including the town centre, parks and local schools. It is not considered that the proposal will harm any interests of acknowledged importance.

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

BC5 - Conservation Areas
GD2 - Built up area boundaries
GD4 - Character Form and Design
GD5 Amenity
H5 - Housing within the Built up Area Boundaries
H11 Layout and Design of Residential Development
TR5 Access Parking and Design

Notes to Applicant

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 580000 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.

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Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Director of Environmental Services at County Hall, Matlock (tel: 01629 580000 and ask for the Project Engineer, Mr I Turkington, Development Control North).

Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets to adoptable standards at some future date. This takes the form of a cash deposit equal to calculated construction costs and may be held indefinately.

The areas of public highway which are to be stopped up shall be stopped up under Section 247 of the Town and Country Planning Act 1990, through the Department of Transport National Transport Casework Team. Subject to the approval of this application, the Highway Authority will be consulted as part of a stopping up application, at which time further comments or objection may be raised.

Highway surface water shall be disposed of via a positive, gravity fed system (i.e. not pumped) discharging to an approved point of outfall (e.g. existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency Representative. The use of soakaways for highway purposes is generally not sanctioned.

The Highway Authority recommends that the first 5m of the proposed access driveways to individual plots 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 adoptable highway and is regarded a nuisance or hazard to highway users the Authority reserves the right to take any necessary action against the householder.

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 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.

Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and/or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council. Works that involve road closures and/or are for the duration of more than 11 days require three months notice, and this will generally affect the majority of Developer's Works.

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A Works Notice Form to be completed and returned to the Derbyshire County Council can be obtained from the Highway Noticing Team on 01629 58000 ext 38165. This notice will essentailly allow you to register your works with this Authority and allows the co-ordination of your works with other activities taking place in the highway. Once your agreement is completed and commencement of your work is offically approved, slippage of the works outside of the Notice period given should also be notified to Highway Noticing Team.

To help Notice procedures and prevent slippage problems arising, Developers and Utilities (for associated services) should prepare programmes for all works that are required for the development by all parties such that these can be apporved through the co-ordination, noticng and licensing processes. This will require utilities and developers to work to agreed programmes and booked slots for each part of the works.

Plans

The plans to which this Notice refers are listed below:

NK016612/SK004
NK016612/SK005
BB.203611.103
BB.203611.104
BB.203611.105
BB.203611.106
BB.203611.107
BB.203611.108
BB.203611.109
BB.203611.110
BB.203611.111
BB.203611.112
BB.203611.113
BB.203611.114
BB.203611.115
BB.203611.101 Rev E
BB.203611.300 Rev C

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

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Planning Applications Manager

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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Michael Green
Planning Applications Manager