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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 Chris Brown
102 Cannock Street
Leicester
LE4 9HR

Agent Laura Hayward
2 Gloucester Crescent
Melton Mowbray
LE13 0AQ

Application no. HPK/2011/0676

Registered on 12/12/2011

Determined on 06/02/2012

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

Outline Planning Permission - Proposed development containing 4, 3 bedroom dwellings with associated parking and single garages at Land Behind Hayfield Road East, Chapel- en-le- Frith

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

Conditions

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this planning permission.

2. The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is later.

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3. Approval of the details of the scale, apperance of the proposed building(s), and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

4. 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.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced, or before the building is occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

6. No development shall commence on site until a measured survey of the site has been undertaken and a plan prepared to a scale of not less that 1:500 showing details of existing and intended final ground level and finished floor level from a specified bench mark, has been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details.

7. An investigation and risk assessment, must be complete 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 by 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 by the Local Planning Authority. The report of the finding must include:

   (i) a survey of the extent, scale and nature f 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,
   - Archaeological sites and ancient monuments;

   (iii) an appraisal of remediation options and proposals of the preferred option (s)

8. 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 nature and historical environment must be prepared, and is subject to the approved 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

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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.

9. 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 the remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks notification of commencement of the remediation scheme works.

   Following completion of measures identified in the approved remediation scheme, a verification report that demonstrate the effectiveness of the remediation carried out must be produced and submitted to and approved in writing by the Local Planning Authority.

10. 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 approved remediation scheme shall be implemented.

11. 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 1300 hours on Saturdays.
    3. At any time on Sundays or Public Holidays except by agreement with the Local Planning Authority.

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

13. A scheme of dust suppression shall be submitted to include measures to prevent dust escaping from the site e.g. wet suppression of dust during dry periods or cessation of activities during windy periods and measures to clean vehicular wheels as appropriate to prevent mud on the highway.

14. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
    i. the parking of vehicles of site operatives and visitors
    ii. loading and unloading of plant and materials
    iii. storage of plant and materials used in constructing the development
    iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
    v. wheel washing facilities
    vi. measures to control the emission of dust and dirt during construction

15. Before any other operations are commenced (excluding internal demolition / site clearance - as agreed with the Local Planning Authority) a revised access plan shall be submitted to

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and approved in writing by the Local Planning Authority. The revised plans shall show a new permanent vehicular access junction be created to Hayfield Road East, laid out at least 4.5m wide for the first 6m behind the highway boundary, constructed as may be agreed with the Local Planning Authority and provided with a 2.4m x maximum visibility splay in the critical direction (to the west of the proposed access point), the area in advance of the sightline 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 the adjoining nearside carriageway channel level.

16. The access, the subject of condition 15 above, shall not be taken into use until 2m x 2m x 45º 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 than 0.6m in height relative to footway level, all as may be agreed in writing with the Local Planning Authority.

17. Within 14 days of the permanent access, the subject of the above condition being created any existing vehicular or pedestrian access to Hayfield Road East shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as verge, in a manner to be agreed in writing with the Local Planning Authority in consultation with the County Highway Authority.

18. Prior to the first occupation of dwelling hereby approved, the proposed new driveway between each respective plot and the existing public highway shall be laid out in accordance with the revised application drawings generally 4.5m wide but a minimum of 3.7m wide (except at the access where the minimum width shall be 4.5m to comply with condition 18 above), constructed to base level and drained. The driveway being fully completed to the satisfaction of the Local Planning Authority in a timescale previously agreed in writing prior to occupation of any dwelling on site.

19. The premises, the subject of the application, shall not be taken into use until space has been provided within the application site in accordance with the application drawings for the parking, and manoeuvring 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.

20. There shall be no gates (including any part of their opening arc) or other barriers within 10m of the nearside highway boundary and any gates shall open inwards only.

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.

2. The time limit condition is imposed in order to comply with the requirements of section 92 of the Town and Country Planning Act 1990.

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3. To ensure a satisfactory standard of development, in accordance with Policy GD4 of the High Peak Saved Local Plan Policies 2008.

4. 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.

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

6. In the interests of the character and the area and amenities of the adjacent residential properties and in accordance with GD4 and GD5 of he adopted High Peak Saved Local Plan Policies 2008.

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

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

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

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

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

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

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

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

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

20. In the interests of highway safety and in accordance with Policy TR5 of the adopted 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 a proposals which is in a sustainable location, provide safe means of access and would not harm the residential amenities of the adjacent neighbouring properties.

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
BC5 - Conservation Areas
GD2 - Built up area boundaries
GD4 - Character Form and Design
GD5 - Amenity
H1 - Principles of Housing Provision
H5 - Housing within the Built up Area Boundaries
H11 - Layout and Design of residential development
TR5 - Access, parking and design

National Planning Policy
Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 3: Housing

Notes to Applicant

1. 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 (e.g.; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

2. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway [new estate street] measures shall be taken to ensure that

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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.

3. 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 respectively. The use of soakaways for highway purposes is generally not sanctioned.
4. Pursuant to Section 50 (Schedule 3) of the New Roads and Streetworks Act 1991, before any excavation works are commenced within the limits of the public highway (including public Rights of Way), at least 12 weeks prior notification should be given to the Director of Environmental Services at County Hall, Matlock (tel: 01629 580000 and ask for the New Roads and Streetworks Section).

5. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 6 weeks prior notification should be given to the Environmental Services Department of Derbyshire County Council before any works commence on the vehicular access within highway limits, please contact Gail Mordey on 01629 538537 for further information.

Plans
The plans to which this Notice refers are listed below:
Location Plan
B01 Rev A
P01Rev A

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

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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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