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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

OUTLINE PLANNING APPLICATION

PERMISSION

Applicant Mr Tim Johnson
PRISMA COLOUR LTD
Hole House Mill Marple Road
Chisworth
SK13 5DB

Agent SJ Design Ltd
The Old Co-op Building
Church Street
Hayfield
SK22 2JE

Application no. HPK/2012/0007

Registered on 06/01/2012

Determined on 04/04/2012

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

Application to replace extant planning permission for HPK/2008/0721 for new proposed mixed development consisting of B1 Office Units and 22 No. Houses. at Hole House Mill Marple Road Chisworth

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

Conditions

1. 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
2. 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.

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Planning Applications Manager

3. Approval of the details of layout, scale, appearance, access and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
4. The materials of external construction shall be coursed natural gritstone to the walls with natural blue slate to the roof.
5. 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
6. 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 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.
7. Before any other operations are commenced, the existing access to Marple Road (A626) shall be modified with the provision of 2.4m x 90m visibility splays in either direction, a minimum 4.5m wide access driveway and pedestrian margin, designed, laid out, and constructed in accordance with details to be submitted as part of any reserved matters application. 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.
8. The premises, the subject of the application, shall not be occupied/ taken into use, until space has been provided within the site curtilage for the parking/ loading and unloading/ picking up and setting down passengers/ manoeuvring of residents/ visitors/ staff/ customers/ service and delivery vehicles (including secure/ covered cycle parking), located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.
9. No development shall take place within the site until the developer has secured the implementation of a programme of archaeological work (building recording and documentary study) to be carried out in advance of any demolition work in accordance with a written scheme of investigation (WSI) submitted by the applicant and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as analysis, publication, and archiving of the results. All works shall be carried out and completed as approved, unless otherwise agreed in writing by the Local Planning Authority.
10. No development shall take place within the site until the developer has secured the implementation of a programme of archaeological work (below ground) in accordance with a written scheme of investigation (WSI) submitted by the applicant and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as analysis, publication, and archiving of the results. All works shall be

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carried out and completed as approved, unless otherwise agreed in writing by the Local Planning Authority.

11. Details of all existing trees on site with a stem diameter of 100mm or greater at a height of 1.3 metres above ground level together with shrubs and other natural features shall be supplied to the Local Planning Authority prior to the consideration of site layout drawings and shall include the following information: location, species, reference number, girth or stem diameter, accurate crown spread and an assessment of condition. Existing ground levels at the base of trees shall be given where nearby changes in level or excavations are proposed. Trees to be removed in conjunction with the proposed development shall be clearly marked as such on a plan. Positions and details of fencing or hoardings, prohibited areas and other physical means of protecting trees shall be submitted to and agreed with the Local Planning Authority prior to carrying out any works on site.

12. (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.

13. 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.
    All deliveries to the site shall be limited to within the above hours.

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

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

16. No more than 50% of the commercial dwellings shall be occupied until the B1 offices have been completed and available for occupation.

17. No development shall take place until monitoring at the site for the presence of ground gas and a subsequent risk assessment has been carried out in accordance with a scheme to be agreed with the Local Planning Authority. The results of the monitoring shall be submitted to the Local Planning Authority as soon as they are available.

    If the presence of ground gas is confirmed, or there is evidence that migration of ground gas is likely to occur, development shall not commence until satisfactory remedial measures have been taken to control and manage the gas and to monitor the effectiveness of these measures. All such measures shall be agreed in writing by the Local Planning Authority before development.

18. 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 details set out in sections (i) to (iv) below have been complied with. If unexpected contamination is found after 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 condition (iv) has been complied with in relation to that contamination.

    (i). Site Characterisation
    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 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:

    (a) a survey of the extent, scale and nature of contamination;
    (b) an assessment of the potential risks to:
    o human health,
    o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    o adjoining land,
    o groundwaters and surface waters,
    o ecological systems,
    o archeological sites and ancient monuments;
    (ci) 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'.

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(ii). 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.

(iii). Implementation of 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 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.

(iv). 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 in accordance with the requirements of condition (i), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (ii), 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 (iii).

19. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) ref B896 and the following mitigation measures detailed within the FRA:
    1. Diversion fo the watercourse through the mill pond;
    2. Diversion of the watercourse and excavation of a new channel behind Holehouse Mill:
    3. Identification and provision of safe route (s) into and out of the site to an appropriate safe haven:
    4. Flood proofing measures to the buildings where appropriate;
    5. Finished floor levels are set no lower than 600mm above the 1 in 100years plus climate change flood level.
20. The development hereby permitted shall not be commenced until such time as a scheme to divert the watercourse has been submitted to, and approved in writing by, the local planning authority.

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21. Prior to the commencement of development, a working method statement to cover all river engineering works shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority

Reasons

1. The time limit condition is imposed in order to comply with the requirements of section 92 of the Town and Country Planning Act 1990.
2. 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.
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. 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.
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 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.
8. 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.
9. In order to protect the archaeological interests of the site, in accordance with Policy BC10 of the High Peak Saved Local Plan Policies 2008.
10. In order to protect the archaeological interests of the site, in accordance with Policy BC10 of the High Peak Saved Local Plan Policies 2008.
11. To enable proper consideration to be given to the impact of the proposed development on existing trees, in accordance with Policy OC10 of the High Peak Saved Local Plan Policies 2008.
12. 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.
13. In order to protect the amenities of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008
14. In order to protect the amenities of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

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15. In order to protect the amenities of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
16. To ensure that the B1 offices are available as part of the mixed use permitted on the site.
17. 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 Policy GD5 of the High Peak Saved Local Plan Policies 2008.
18. 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 Policy GD5 of the High Peak Saved Local Plan Policies 2008.
19. 1. To ensure the structural integrity of the mill pond thereby reducing the risk of flooding.
    2. To ensure safe access and egress from and to the site.
    3. To reduce the risk of flooding from blockages to the existing culvert under the site access road.
    4. To reduce the risk of flooding to the proposed development and future occupant.
20. The construction phase of any proposed development affecting the mill pond and diverting the watercourse poses significant risks of flooding.
21. The construction phase of any proposed development affecting the mill pond and diverting the watercourse poses significant risks of flooding.

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 provides a balance of economic, housing and environmental benefits without compromising the purposes of including land within the green belt.

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
EMP 8 - Infilling/Redevelopment at major developed sites in the green belt
EMP 9 - Change of Use from Industry or business
H1 - Principles of Housing Provision
H9 - Affordable Housing for Local Needs
OC1 - Countryside Development
OC2 - Green Belt Development
OC10 - Trees and Woodlands
TR5 - Access, parking and design

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National Planning Policy

PPG2 Green Belts

PPS1 Delivering Sustainable Development

PPS5 Planning and the Historic Environment

PPS4 Planning for Sustainable Economic Growth

PPS3 Housing

Notes to Applicant

1.The method statement for the river engineering works should cover the following requirements:

1. timing of works
2. methods used for all channel, bankside water margin works
3. machinery (location and storage of plant, materials and fuel, access routes, access to banks etc.)
4. protection of areas of ecological sensitivity and importance
5. site supervision

2.Erection of flow control structures or any culverting of a watercourse requires the prior written approval of the Environment Agency under s.23 of the Land Drainage Act 1991 or s.109 of the Water Resources Act 1991. The Environment Agency resists culverting on nature conservation and other grounds and consent for such works will not normally be granted except for access crossings.

3.The Environment Agency recommends that in areas at risk of flooding consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

4.Additional guidance can be found in the Environment Agency Flood line Publication 'Damage Limitation'. A free copy of this is available by telephoning 0845 988 1188 or can be found on our website www.environment-agency.gov.uk click on 'flood' in subjects to find out about, and then 'floodline'.
Reference should also be made to the Department for communities and local Government publication 'Preparing for Floods' please email: communities@twoten.com for a copy.

5.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.

6.The application site is affected by a Public Right of Way (Footpath No. 75 Chisworth on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment

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at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Advice regarding the temporary (or permanent) diversion of such routes may be obtained from the Director of Environmental Services at County Hall, Matlock (tel: 01629 580000 and ask for the Footpaths Officer Mr P. White.

7.The Highway Authority recommends that the first 10m of the access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel, etc). In the event that loose material is transfered 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.

8.Car parking provision should be made on the basis of a maximum ratio of 1 parking space per 25 square metres gross floor area for the proposed office and 1 parking space, 2 parking and 3 parking spaces per 1 bed/2-3 bed./4 + bed. dwelling respectively. Each parking bay should measure 2.4m x 4.8m (larger in the case of spaces for use by disbaled drivers) with adequate space behind each space for manoeuvring.

9.The developer should be aware that permitted development rights for development within the curtilage of the dwellinghouse, will be removed for the 2 affordable units hereby permitted as a condition of any reserved matters application.

Plans
The plans to which this Notice refers are listed below:
Location Plan 100

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.

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.

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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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