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High Peak Borough Council

working for our community

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 Chris Brown
Centrebus Ltd
102 Cannock Street
Leicester
LE4 9HR

Application no. HPK/2012/0280

Registered on 14/05/2012

Determined on 06/07/2012

Agent
2
Gloucester Crescent
Melton Mowbray
LE13 0AQ

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

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 and 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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Planning Applications Manager

3. Approval of the details of scale, appearance 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. Before any other operations are commenced (excluding internal demolition / site clearance - as agreed with the Local Planning Authority) a new permanent vehicular access junction shall be created to Hayfield Road East in accordance with the revised application drawings, laid out at least 4.5m wide, reducing to 3.7m, 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.

15. The access, the subject of condition 14 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

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E-mail planning@highpeak.gov.uk Website www.highpeak.gov.uk

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.

16. 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.

17. The dwellings, the subject of the application, shall not be occupied until the proposed new driveway between each respective plot and the existing public highway has been laid out in accordance with the revised application drawings being 4.5m wide but a minimum of 3.7m wide constructed to base level and drained.

18. The dwellings , 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.

19. 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.

20. Prior to the commencement or development, the developer shall submit to and gain approval from the Local Planning Authority a scheme for the fronting footway works on Hayfield Road East. Such scheme details shall include a minimum footway width of 2m, removal of the wall, relocation of all street furniture to the rear of the amended footway, suitable gradient, traffic management which should include consultation with the bus operator. The revised highway boundary should be clearly demarcated by rear of kerb edgings where there is grass to rear and channel blocks laid flush where within the access. The footway should be constructed to the satisfaction of the Highway Authority using the approved materials/construction specification. The approved scheme should be implemented in full prior to the occupation of any unit.

21. No development shall take place until a Written Scheme of Investigation for archaeological monitoring has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording; and
2. The programme and provision to be made for post investigation analysis and reporting; and
3. Provision to be made for publication and dissemination of the analysis and records of the site investigation; and
4. Provision to be made for archive deposit of the analysis and records of investigation; and
5. Nomination of the competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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22. No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition 21.

23. The development shall not be occupied until the site investigation and post investigation reporting has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved under condition 21 and the provision to be made for publication and dissemination of results and archive deposition has been secured.

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.

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, in the interests of visual and residential amenity and in accordance with Policy GD4 of the High Peak Saved Local Plan Policies 2008.

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 the 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.

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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.

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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 involve the reuse of a Brownfield site, in a sustainable location for residential development. The layout would not harm the character of the locality or the residential amenities of the adjacent neighbouring properties. Furthermore the proposed access arrangement would not harm the safe operation of the highway.

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Planning Applications Manager

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 and their settings
BC10 – Archaeological and other heritage features
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 Framework

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 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).

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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.

6. Under Section 278 of the Highways Act 1980, modification works within the public highway ie the fronting footway and access works shall be made the subject of a legal agreement between the developer and the County Council. Advice regarding the design, specification and procedures for undertaking these works may be obtained from the Strategic Director of Environmental Services at the County Hall, Matlock contact Chris Allwood on 01629 538582. The revised highway boundary should also be included in this Agreement by appropriate legal mechanism eg Section 156 of the Highways Act 1980.

7. The application site affects an adjacent bus stop and the applicant should contact Bill Lear, PTU on 01629 536748, for advice and procedure.

Construction works will require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management on 01629 538686.

8. Under the Traffic Management Act 2004, as amended April 2008, the applicant or any other organisation/third party etc working within the highway on their behalf will be subject to the requirements and provisions of that Act including the necessary Highway Notices. The applicant should contact Elaine Coope, NRSWA on 01629 538516 with regard to advance liaison, notification and co-ordination required

9. The applicants attention is drawn to the comments made by United Utilities on 24th May 2012.

Plans
The plans to which this Notice refers are listed below:
Location Plan L01

B01 Rev B

P01 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.

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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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2. The programme and provision to be made for post investigation analysis and reporting; and
3. Provision to be made for publication and dissemination of the analysis and records of the site investigation; and
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22. No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition 21.

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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.

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

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Summary of reasons for granting permission

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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 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).

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Michael Green
Planning Applications Manager

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.

6. Under Section 278 of the Highways Act 1980, modification works within the public highway ie the fronting footway and access works shall be made the subject of a legal agreement between the developer and the County Council. Advice regarding the design, specification and procedures for undertaking these works may be obtained from the Strategic Director of Environmental Services at the County Hall, Matlock contact Chris Allwood on 01629 538582. The revised highway boundary should also be included in this Agreement by appropriate legal mechanism eg Section 156 of the Highways Act 1980.

7. The application site affects an adjacent bus stop and the applicant should contact Bill Lear, PTU on 01629 536748, for advice and procedure.

Construction works will require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management on 01629 538686.

8. Under the Traffic Management Act 2004, as amended April 2008, the applicant or any other organisation/third party etc working within the highway on their behalf will be subject to the requirements and provisions of that Act including the necessary Highway Notices. The applicant should contact Elaine Coope, NRSWA on 01629 538516 with regard to advance liaison, notification and co-ordination required

9. The applicants attention is drawn to the comments made by United Utilities on 24th May 2012.

Plans
The plans to which this Notice refers are listed below:
Location Plan L01

B01 Rev B

P01 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.

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Michael Green
Planning Applications Manager

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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Michael Green
Planning Applications Manager