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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 Terry Peel
32 Leek Road
Burbage
Buxton
SK17 6UE

Agent AJS Architecture
Mr Andrew Smith
32 Carr Road
Buxton
SK17 6WF

Application no. HPK/2012/0456

Registered on 31/07/2012

Determined on 25/09/2012

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

Proposed Change of Use of Builders Yard to Domestic Usage for 2No. 3 Bedroom Bungalows with Associated Garden/Amenity Space, Access from Shared/Private Drive at Land to Rear of 3-11 Hogshaw Villas Road, Buxton

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

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission unless some other specific period has been indicated in other conditions given.

2. No development shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been

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submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

3. 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 the buildings are 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.

4. Before any other operations are commenced (excluding demolition/ site clearance), space shall be provided within the site curtilage for storage of plant and materials, 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.

5. The development, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the plan ref site 02 for the parking and manoeuvring of residents and visitors vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

6. 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:

   (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,
   - 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'.

7. 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

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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.

8. 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.

9. 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 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, 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 8.

10. No development shall take place until monitoring at the site for the presence of landfill 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 area available.

    If the presence of landfill gas is confirmed, or there is evidence that migration of landfill gas is likely to occur, development shall not commence until 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 commences.

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.

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13. The windows serving the first floor shower rooms shall be glazed with obscured glass and shall be permanently maintained in that condition.

14. Prior to the commencements of development, floor and elevations plans shall be submitted for the north easterly plot as show on plan ref Site 02. Thereafter the development shall proceed strictly in accordance with the approved details.

Reasons

1. The time limit condition is imposed in order to comply with the requirements of sections 91, 92, 93 and 56 of the Town and Country Planning Act 1990 and section 51 of the Planning and Compulsory Purchase Act 2004.

2. In the interests of 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.

3. To ensure adequate and appropriate treatment to all boundaries and in accordance with Policy GD4 of the HIgh Peak Saved Local Plan Policies 2008.

4. 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.

5. 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.

6. To ensure a satisfactory standard of development, in accordance with Policy GD5 of the 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 a satisfactory standard of development, 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.

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

13. In order that the amenities enjoyed by the occupants of the adjacent dwellings shall not be I injured, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

14. In order to clarify the layout of the development, in the interests of residential amenity and in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

Summary of reasons for granting permission

The decision to grant planning permission has been taken because the Council considers that the application has put forward a proposal which is in a sustainable location, would not harm either the visual or residential amenities of the locality and would not harm the safe operation of the adjacent highway.

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
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
Paragraphs 14, 17, 49, 56-58

Notes to Applicant

1. The applicants attention is drawn to the comments made by Network Rail on 20th August 2012. All commercial developments within 10m of the operational railway line and Network Rail land should be flagged up to Network Rail by the applicant. The proposal will need to be reviewed and approved by the Network Rail Asset Protection Engineers before works can commence on site and the applicant will be required to submit risk assessments and method statements for the details contained within the email response dated 20th August 2012.

Plans
The plans to which this Notice refers are listed below:
SITE 01
SITE 02

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SITE PLANS 01
PROPOSED 01
PROPOSED 02
PROPOSED 03
PROPOSED 04
PROPOSED 05
PROPOSED 06
PROPOSED 07
PROPOSED 08
PROPOSED 09
PROPOSED 10

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 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:

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(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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