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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
G A Clapham & Son (New Mills) Ltd
24 Overdale Road
Newtown
Disley
SK12 2RJ

Agent
John F Lomas M.R.I.C.S M.B.Eng
Rothbury Chapel Road
Hayfield
SK22 2JF

Application no. HPK/2012/0692

Registered on 10/12/2012

Determined on 01/02/2013

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

Application to Replace Extant Planning Permission - HPK/2009/0759 for New Outline Application for 4no. Terraced Houses and 4no. Apartments. at Land at 152A Albion Road New Mills

in accordance with the submitted application, details and accompanying plans listed below 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. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before

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Michael Green
Planning Applications Manager

any development begins and the development shall be carried out as approved. The application for approval of reserved matters shall be made within three years of the date of this permission.

3. Before any other operations are commenced, the existing access to Albion Road shall be modified in accordance with the application drawings (Drg No. 09.11/1) to include a realignment of the nearside carriageway edge (footway extension) and a 4.8m wide access, constructed and provided with maximum visibility splays in either direction from a 2.4m minor road viewpoint, 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.

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

5. No dwelling shall be occupied until the proposed new estate street between each respective plot and the existing public highway have been laid out, constructed to base level and drained in accordance with a scheme to be submitted to and approved by the Local Planning Authority in advance of works commencing on site.

6. No dwelling shall be occupied until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvering of residents, visitors, service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

7. No development shall commence until detailed designs are submitted to the Local Planning Authority for written approval regarding any retaining wall structure within 4m of the public highway. The proposed works shall be completed in accordance with the approved scheme in a timescale to be agreed with the Local Planning Authority prior to works commencing on site.

8. There shall be no gates of other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.

9. The proposed access road shall be no steeper than 1 in 8.

10. Demolition of construction works shall not take place outside 0730 hours to 1800 hours Mondays to Fridays and 0800 hours to 1400 hours on Saturdays nor at any time on Sundays or Bank Holidays. All deliveries to the site shall be limited within the above hours. Any equipment which needs to be operated outside the hours specified shall be acoustically screened in accordance with a scheme to be agreed in writing with the Local Planning Authority.

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

12. A scheme of dust suppression shall be submitted to and approved in writing by the Local Planning Authority. This shall include measures to prevent dust escaping from the site, (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. The development shall be carried out in accordance with the approved details.

13.Before the development hereby approved commences a noise control scheme shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include the following: (1) A noise survey of the existing impact of industrial nosie and traffic on the site. (2) The adopted noise criteria for bedrooms, habitable rooms and external areas. (3) Detailed specifications regarding the means of achieving such levels. The approved noise scheme shall be implemented prior to the occupation of the dwellings.

14. No development shall take place until an investigation and risk assessment is completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it orginates on the site. The contents of the scheme are subject to the approval in wirting by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of findings must be produced. The written report shall be submitted to and approved in writing to 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 services lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archeological sites and ancient monuments.

(iii) an apprasial of remedial options, and proposals 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, CLR11'

15.A detailed remediation shceme 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 submitted in writing for approval by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetables of works and site management procedures. The scheme must ensure that the site will not qualify as contaimenated land under Part 2A of the Environmental Protection Act 1990 in relation to the inteded use of the land after remediation.

16. 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

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must be given two weeks written notification of commencement of the remediation scheme works. Following completion of meaures identified in the approved remediation scheme, a verification report that demostrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing by the Local Planning Authority.

17. In the event that contamination is found at any time when carrying out the development hereby approved that was not previously identified must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance wtih the requirements of condition 14, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 15, which is subject to written approval by the Local Plannning Authority. Follwoing completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to written approval of the Local Planning Authority in accordance with condition 16.

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. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

3. 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.

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

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

7. 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.

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

9. Local Plan Policies 2008.

10. In order that the amenities of the district shall not be injured, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

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

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12. In order that the amenities of the district shall not be injured, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

13. In order that the amenities enjoyed by the occupants of the adjacent dwellings shall not be injured, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008 and in accordance with paragraph 123 of the NPPF.

14. 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 and in accordance with the NPPF for Conserving and enhancing the natural environment.

15. 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 and in accordance with the NPPF for Conserving and enhancing the natural environment.

16.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 and and in accordance with the NPPF for Conserving and enhancing the natural environment.

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 and in accordance with the NPPF for Conserving and enhancing the natural environment.

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 results in the appropriate development of previously developed land within the built up area boundary. The site layout respects the amenity of adjoining residential properties and is satisfactory in terms of access onto Albion Road. Appropriate planning conditions can adequately deal with matters of detail.

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.

This is considered to be a sustainable form of development and so complies with the provisions of the NPPF.

POLICIES RELEVANT TO THIS DECISION

High Peak Local Plan Saved Policies

GD4 - Character Form and Design
GD5 - Amenity
GD12 - Unstable Land, Landfill and Contaminated Sites
H5 - Housing within the Built up Area Boundaries

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H11 - Layout and Design of residential development
TR5 - Access, parking and design

National Planning Policy Framework

Notes to Applicant

The Highway Authority recommends that the proposed access should be surfaced with a solid, bound material (ie; not loose chippings). In the event that losse material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the rights to take any necessary action against the householders.

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.

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, at least 6 weeks prior notification should be given to the Strategic Director of Environmental Services at County Hall, Matlock (tel: 01629 580000 and ask for the New Roads and Streetworks Section).

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 Environmental Services Department at County Hall, Matlock (tel: 01629 580000 and ask for Mr Chris Allwood). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

Informative Note for Applicants/Agents for Developments within Coalfield Standing Advice Areas.

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

Plans

The plans to to which this Notice refers are listed below:
Location Plan
09.11/1

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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.

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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