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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
Greater Manchester Buses South Ltd &
Scotco Ltd & Prospect
c/o Agent

Agent
G L Hearn Partners
Mrs Emma Jones
1 St James Square
Manchester
M2 6DN

Application no. HPK/2012/0633

Registered on 06/11/2012

Determined on 05/02/2013

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

Proposed Demolition of Vacant Bus Depot & Associated Buildings & Erection of 19 Residential Properties & Cricket Net at South Glossop Depot Stagecoach Manchester, York Street, Glossop

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 approved development hereby permitted have

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been 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 first occupation of the development hereby approved, 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. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include the number, sizes and species of the proposed planting; the proposed finished levels or contours and hard surfacing materials.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the buildings and no later than 12 months of that occupation or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the approved scheme die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written consent to any variation.

6. Any first floor windows on the western elevation of Plot 2 shall be glazed with obscured glass and shall be permanently maintained in that condition.

7. 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.

8. The premises, the subject of the application, shall not be occupied until the proposed new estate street between each respective plot and the existing public highway has been laid out in accordance with the revised application drawings (1127/PL/02/K) to conform to the County Council's current residential Design Guide, constructed to base level, drained and lit in accordance with the specification for new housing development roads. The roads and footways being fully constructed / surfaced in a timescale which has been previously agreed with the Local Planning Authority prior to the occupation of the 20th dwelling

9. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the revised application drawings (112/PL/02/K) for the parking and manoeuvring of residents, visitors, service and delivery

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vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use, throughout the life of the development.

10. Prior to occupation of any dwelling, the subject of the application, the turning area (or alternative interim provision as may be agreed in writing with the Local Planning Authority) shall be constructed and made available for use. Any temporary areas being maintained until such time as the permanent turning area is constructed and available for use.

11. Individual driveways / access to parking areas shall be formed to the new estate street as identified on the application drawings and be provided with minimum 2.4m x 17m visibility sightlines in each direction, measured to the nearside carriageway channel. The area in advance of the sightlines being maintained free from any obstructions to visibility over 1m high (600mm in the case of vegetation) relative to the nearside carriageway channel level, for the life of the development.

12. There shall be no gates or other barriers within 5m of the nearside highway boundary and any gates shall open inwards (to the site) only.

13. Prior to development commencing on site a structural survey / assessment of the existing culvert across the Brook / Stream shall be undertaken to confirm its suitability to serve further residential development, all as may be agreed with the Local Planning Authority and County Highway Authority. Details of any improvement works to the culvert or details of its replacement shall be agreed prior to any development works (excluding demolition and site clearance) commencing on site.

14. (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.

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15. Prior to the commencement of development a method statement shall be submitted to and approved in writing by the Local Planning Authority detailing the containment, timetable, control and removal of Japanese Knotweed on the site. The measures shall be carried out strictly in accordance with the approved scheme.

16. No removal of hedgerows, trees or shrubs nor demolition of buildings that may be used by breeding birds shall take place between the 1st March and 31st August inclusive, unless a survey has been undertaken to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.

17. 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'.

18. 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.

19. 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

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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.

20. 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 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, 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 19.

21. 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.

22. No development shall take place until monitoring at the site for the presence of landfill gas/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 measures shall be agreed in writing by the Local Planning Authority.

23. If piling is necessary, a written method statement shall be submitted to the Local Planning Authority. This method statement should be in line with Environment Agency guidance (Environment Agency 2001), Piling and Penetrative Ground Improvements on Land affected by Land Contamination. No piling shall take place outside the hours of 0900 hours to 1600 hours Monday to Fridays. No piling shall take place until the method statement has been approved.

24. Prior to the commencement of development a plan showing the boundaries between public and private space shall be submitted to and approved in writing by the Local Planning Authority. Any space designated a public open space shall be the subject of a long term management plan, which shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for any landscaping, hard surfacing and a long term management schedule for such areas.

Reasons

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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 2008.

4. In the interests of visual amenity, in accordance with Policy GD6 of the High Peak Saved Local Plan Policies 2008.

5. In the interests of visual amenity, in accordance with Policy GD6 of the High Peak Saved Local Plan Policies 2008.

6. 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.

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

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

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

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

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

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

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

14. 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.

15. In the interests of the amenity of the site and in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

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16. In the interests of the nature conservation interests of the site and in accordance with paragraph 119 of the National Planning Policy Framework.

17. In the interests of preventing contamination, and in the interests of the amenities of the site and in accordance with Policy GD12 of the High Peak Saved Local Plan Policies 2008.

18. In the interests of preventing contamination, and in the interests of the amenities of the site and in accordance with Policy GD12 of the High Peak Saved Local Plan Policies 2008.

19. In the interests of preventing contamination, and in the interests of the amenities of the site and in accordance with Policy GD12 of the High Peak Saved Local Plan Policies 2008.

20. In the interests of preventing contamination, and in the interests of the amenities of the site and in accordance with Policy GD12 of the High Peak Saved Local Plan Policies 2008.

21. In order to protect the amenities of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

22. In the interests of preventing contamination, and in the interests of the amenities of the site and in accordance with Policy GD12 of the High Peak Saved Local Plan Policies 2008.

23. In order to protect the amenities of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

24. In the interests of the visual amenity of the area and in accordance with Policy GD4 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 given its sustainable location, would provide new housing to meet the Councils current shortfall, and would therefore comply with the aims and objectives of the National Planning Policy Framework. It is considered that the layout and scale of development would not harm either the visual or residential amenities of the locality, and provide a safe means of access into the site.

During the course of the consideration of the application the Council sought amendments to the proposals to ensure that the layout and design of the dwellings reflected the character of the locality. It is therefore considered that the proposals meet the provisions of paragraphs 186-187 of the NPPF.

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.

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POLICIES RELEVANT TO THIS DECISION

High Peak Local Plan Saved Policies

EMP 6 - Industry and business within the built-up area boundaries and homeworking
GD2 - Built up area boundaries
GD4 - Character Form and Design
GD5 - Amenity
GD12 – Unstable Land, landfill and contaminated sites
H5 - Housing within the Built up Area Boundaries
LT4 - New Recreation facilities
OC1 - Countryside Development
OC4 - Landscape Character and Design
TR5 – Access, Parking and Design

National Planning Policy Framework
Paragraphs 11, 12, 13, 14, 15, 17, 49, 56-64, 119.

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 (eg; 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. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 12 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 Carol Bradley on 01629 538507 for further information.

4. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director of Environmental Services at County Hall, Matlock (tel: 01629 538578 and ask for Ian Turkington).

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5. 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 Strategic Director of Environmental Services at County Hall, Matlock (tel: 01629 580000 and ask for the New Roads and Streetworks Section).

6. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980. Where it may not be possible to enter into an adoption agreement or development commences ahead of any adoption agreement being entered into the Highway Authority will be obliged to pursue the financial sums identified in the served notice.

7. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management - telephone 01629 538686.

8. The Highway Authority recommends that the first 5m of any access / driveway adjacent / adjoin the prospective public highway should not be surfaced with a loose bound material (i.e. unbound chippings or gravel etc). in the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Highway Authority responsible for the public highway reserves the right to take any necessary action against the relevant householder.

9. 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, water course) to be sanctioned by the relevant Water Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.

Plans

The plans to which this Notice refers are listed below:
Location Plan 1127/PL/01/A
1127/PL/02K
1127/PL/03/D
SCP/12275/SPA01
274-01
PWL/3B929/003/C
PWL/3B1059/003/C
PWL/4B1129/003/A
PWL/2B671/003/C
PWL/4B1280/003/B
PWL/4B1280/004/B
PWL/4B1248/003/A

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PWL4B1290/003/B
PWL/GARA/003/A
PWL/GARA/004/A
PWL/GARA/005/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 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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