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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 Simon Howarth
22 Hollinswood Road
Disley
Stockport
SK12 2EB

Agent Kingfisher Consulting
Mr J Butterworth
Barley Castle Yard Market Street
Hayfield
SK22 2EP

Application no. HPK/2013/0068

Registered on 13/02/2013

Determined on 10/04/2013

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

Proposed Detached House and Garage at Land East Of 41 Whitle 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 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 been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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Michael Green
Planning Applications Manager

3. All external timber shall be painted in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall be maintained thereafter.

4. Before any operations are commenced, space shall be provided within the site curtilage for site accomodation, storage of plant and materials, parking and manoeuvring of site operative's and visitors's vehicles together with the loading / unloading and manoeuvring of goods vehicles, designed and laid out and constructed all to the satisfaction of the Local Planning Authority in advance of construction work commencing and maintained free from impediment throughout the duration of construction works.

5. Before any operations are commenced (excluding the Condition 4 above), a new access shall be created in accordance with the application drawings, laid out and constructed and provided with visibility sightlines of 2.4m x 33mm, the area in advance of the sightlines being kept clear, in perpetuity, of any planting above 600mm or structure excess of 1m, measured above the adjacent carriageway channel. Pedestrian intervisibility splays of 2m x 2m x 45º shall also be provided with the area in advance being maintained free of all obstructions.

6. The premises, the subject of the application, shall not be occupied until space has been provided for off street parking in accordance with the application drawings for the parking of residents vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

7. The access shall not be gated within 5m of the highway limits and where fitted, shall open into the site only.

8. No development shall take place until either:
   (a) the site has been monitored for the presence of landfill gas or;
   (b) in lieu of monitoring, a comprehensive scheme of gas protection measures are submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall thereafter be implemented.

   Where monitoring at the site for the presence of ground/landfill gas and a subsequent risk assessment has been carried out in accordance with a scheme to be agreed in writing 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/landfill gas is confirmed, or there is evidence that migration of ground/landfill 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.

9. The site must be drained on a seperate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the existing watercourse as stated in the application hereby approved.

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10. 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 types 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.

11. 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; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures including refuse or other storage units, external lighting; proposed and existing functional services above and below ground (eg drainage power, communications, cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.

12. Demolition or construction works shall not take place outside 07:30 hours to 18:30 hours Mondays to Fridays and 08:30 hours to 18:00 hours on Saturdays nor at any time on Sundays or Bank Holidays unless otherwise agreed in writing with the Local Planning Authority.

13. No part of the development shall commence until consent has been granted from Derbyshire County Council under Section 23 of the Land Drainage Act 1991 relating to making changes to an ordinary watercourse. Details of the application as submitted to Derbyshire County Council Environmental Services and the consent if granted shall be submitted to the Local Planning Authority within one month of any consent being granted and prior to any works commencing. The development shall be carried out in accordance with any consent or/and recommendations agreed with Derbyshire County Council.

14. No development or other operations shall commence until details of the siting of the temporary caravan are submitted to and approved in writing by the Local Planning Authority. The temporary caravan shall not be brought onto the site until these details are approved and that the development hereby permitted has commenced and shall be permanently removed from the site within 30 days of the occupation of the new dwelling unless otherwise agreed in writing with the Local Planning Authority.

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.

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3. 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.

4. 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. To maintain adequate on-site parking provision in the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

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

8. 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.

9. To ensure a satisfactory standard of drainage and in the interests of the amenities of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

10. To ensure adequate and appropriate treatment to all boundaries.

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

12. 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.

13.In order that the development complies with the provisions of the Land Drainage Act 1991 and the Local Lead Flood Authority policy requirements and in the interests of amenity to adjacent occupiers of the site, in accordance with policy GD5.

14. To prevent the establishment of an independent dwelling and in the interests of visual amenity, in accordance with Policy GD4 and 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 where the principle of residential development had already been established to be acceptable on the site under HPK/2011/0656 and this amended proposal is considered to have an acceptable impact on residential amenity, highway safety and which is visually appropriate for the site proposed.

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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.

During the course of the consideration of the application the Council sought amendments to the proposals to ensure that it was of good design principles and not detrimental to amenity. It is therefore considered that the proposals meet the provisions of paragraphs 186-187 of the NPPF.

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
GD12 - Unstable Land, Landfill and Contaminated Sites
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)Under Section 151, Highways Act 180, the applicant must take all 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)Under Section 50 (Schedule 3), New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the existing highway, at least 6 weeks prior notification shall be given to the County Council Highway Aurhority (Contact the Streetworks Co-ordinator - tel no. 01629 538986).

(3)Under Section 184, Highways Act 1980 and Section 86(4) of the New Roads and Street Works Act 1991, at least 12 weeks prior notification shall be given to the Area Maintenance Manager, North, tel 01629 538537, before any works commence within highway limits for the proposed vehicular access.

(4) The applicant is advised to use a solid bound material for driveways and parking spaces for highway safety reasons. The introduction of loose material onto the highway, for example through vehicles leaving the driveway or through materials being washed onto the highway/footpath in wet weather can cause danger to users of the highway. This may result in the owners of individual dwellings being liable to prosecution under Section 151 of the Highways Act 1980. The use of a solid bound material would avoid these problems.

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(5) Construction works may require Traffic Managemetn and advice regarding procedures should be sought from Dave Nicholson, NE Traffic Management on 01629 538685.

(6)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 porvisions 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.

(6) In order to form the proposed access, street lighting column number 63570 will need to be relocated. The relocation and all associated should be carried out to the satisfaction of the Highway Authority's Street Lighting Section. The applicant should contact Debbie Anderson, Street Lighting Design for advice and procedure on 01629 538670.

(7) Any structures or obstruction placed within an ordinary watercourse will require Consent under Section 23 of the Land Drainage Act 1991.

Since 6 April 2012 Derbyshire County Council (DCC), as a Lead Local Flood Authority (LLFA), have been responsible for authorising consent to individuals, companies, group of individuals and public bodies who wish to carry out changes to an ordinary watercourse that may affect flow or flood risk.

From this date, those who wish to make changes to an ordinary watercourse must gain written consent from us prior to carrying out such works.

In the case of works undertaken without consent, and where we deem that consent would have been required, works cannot be retrospectively consented. Enforcement action may be taken where damaging or potentially damaging works on ordinary watercourses have been undertaken without the necessary consent. Enforcement action may also be taken where consented works have been undertaken in a manner contravening the consent. Where such works have been carried out enforcement powers are available to the LLFA.

Upon receipt of an application, there is a time limit of two months to grant or refuse consent. The applicant should be encouraged to engage with DCC's Flood Risk Management Team at their earliest opportunity.

As part of the consenting process the applicant will need to:
" Assess the flood risk implications of the proposed works and mitigation measures to reduce flood risk;
"Provide documents and calculations for the rate of discharge to the watercourse achieving existing greenfield runoff or betterment; and
"Provide environmental/ecological reports with key consideration to the Water Framework

Directive (WFD). A WFD assessment may be need to be undertaken as part of a consent application to establish if a proposal will cause deterioration or prevent the achievement of ecological objectives set out in the Environment Agency's River Basin Management Plans.

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(8) Atttention is drawn to the applicant that the siting of a temporay caravan in connection with the construction of the dwelling must be in accordance with the provisions set out within Schedule 2, Part 4 of the Town and Country General Permitted Development Order 1995 (as amended).

Plans

The plans to which this Notice refers are listed below:

Location Plan 2278.05A
2278.02A
2278.03A
2278.04A

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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Michael Green
Planning Applications Manager