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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
Equip Midlands Ltd
29 Byron Street
Buxton
SK17 6NT

Agent
AJS Architecture
32 Carr Road
Buxton
SK17 6WF

Application no. HPK/2013/0398

Registered on 19/07/2013

Determined on 02/09/2013

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

Application to replace extant permission HPK/2010/0215 for conversion of existing building to form 10 No apartments at 29 Byron Street 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 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. Before any other operations are commenced, the existing access to Byron Street shall be modified in accordance with the application drawings, laid out, constructed and provided with 2m visibility sightlines across the entire site frontage parallel to the nearside carriageway edge, together with 2m x 2x x 45 degree pedestrian inter visibility splays at the back of the footway, no greater than 0.6m in height being permitted in advance of the sightlines throughout the life of the development.

4. Before any other operations are commenced the access to Heath Park Road shall be modified in accordance with the application drawings, laid out, constructed and provided with 2m visibility sightlines across the entire site frontage parallel to the nearside carriageway edge, together with a 2m x 2m x45 degree pedestrian inter visibility splays at the back of the footway, no object greater than 0.6m in height being permitted in advance of the sightlines throughout the life of the development.

5. Before any other operations are commenced, space shall be provided within the site curtilage for 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.

6. The development, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking of 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.

7. The development, subject of this application shall not be occupied until the footway widths fronting Heath Park Road and Byron Street have been modified in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved works.

8. 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.

9. 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 and hard surfacing areas. Development shall be carried out in accordance with the approved details.

10. 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

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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.

11.Prior to the commencement of development, full details of boundary treatment to the rear of Bennett St shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed prior to the first occupation of the development hereby approved.

12.No development shall take place until a site investigation has been carried out to assess the type, location and quantities of contaminants, in accordance with a scheme to be agreed, in writing, with the Local Planning Authority. The results of the site investigation shall be submitted to the Local Planning Authority as soon as they are available.

13.If during development works any contamination should be encountered, detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination (the "Contamination Proposals") shall be submitted to and approved in writing by the Local Planning Authority. The approved remediation scheme shall be implemented.

14. No construction work at the site shall take place outside the following hours:-

1. 0700 hours to 1900 hours Mondays to Saturdays.
2. At any time on Sundays or Public Holidays except by agreement with the Local Planning Authority.

All deliveries to the site shall be limited to within the above hours. Any equipment which needs to be operated outside of the hours specified above shall be acoustically screened in accordance with a scheme to be agreed with the Local Planning Authority. Thereafter the approved scheme shall be implemented.

15. No development shall take place on site until details of the means of enclosure to the refuse collection point shown on the approved plans have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be constructed prior to the first occupation of the development hereby approved.

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. 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.

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4. 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.

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 satisfactory service provision 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. To ensure adequate and appropriate treatment to all boundaries in the interests of visual amenity and in accordance with Policy GD4 of the High Peak Saved Local Plan Policies 2008.

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

10. In the interests of visual amenity, in accordance with Policy GD6 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.

12. 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.

13. 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.

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

15. In the interests of amenity, 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 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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Michael Green
Planning Applications Manager

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

BC1 - External Materials
BC8 -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

Core Planning Principles
Section 1 Building a strong, competitive economy
Section 6 Delivering a wide choice of high quality homes
Section 7 Requiring good design

Notes to Applicant

Any security measure implemented in complaince with the approved scheme should seek to achieve the Secured By Design accreditation awarded by Derbyshire Constabulary. Written confirmation of those measures should then be provided to the Local Planning Authority.

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 the the Director of Environmental Services at County Hall, Matlock (tel: 01629 580000) and ask for the District Highway Care Manager before any works commence on the vehicular access within highway limits.

Pursuant to Section 256 Highway Act 1980, the applicant must obtain the prior approval of the County Council as highway authority, to exchange the small areas of land fronting Byron Street and Heath Park Road required to widen the footway and provide on-site car parking. Advice can be obtained from the Director of Environmental Services at County Hall, Matlokc (tel: 01625 580000 and ask for the Area Development Manager, North West, Mr Hill).

With respect to conditions 12 and 13, the applicatin is advised to contact the Environmental Health Department on 0845 129 7777 for further details.

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Michael Green
Planning Applications Manager

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

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