



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	Jalo Enterprises Co Ltd Saim Lake View Moo4 Mabprachan Nong Prue Bang Lamung 20150	Application no. HPK/2013/0319  Registered on 11/06/2013  Determined on 10/09/2013
Agent	Freeth Cartwright 80 Cumberland Court Mount Street Nottingham NG1 6HH	

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

**Proposed outline application with all matters reserved for residential development at Land rear of Hallsteads, Dove Holes, Buxton**

in accordance with the submitted application, details and accompanying plans listed below and 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.

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Planning Applications Manager

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this planning permission.
3. Prior to the commencement of the development hereby approved, a scheme for the provision/completion of all highways within the red edge of the application site to Derbyshire County Council's ( DCC ) adoptable standards, shall be submitted to, and approved, in writing by, the Local Planning Authority. The submitted scheme shall make provision for the phasing of all such highways works ( to include as the first phase works to complete Walker Brow and The Meadows to said adoptable standards ), and the financial arrangements for complete delivery of the above highways to said adoptable standards, and measures that will ensure that no dwelling hereby approved is occupied until such time as there is a highway in place constructed to DCC adoptable standards linking it to the A6 at Dove Holes via Walker Brow and The Meadows
4. The premises, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking/ loading and unloading/ picking up and setting down passengers/ manoeuvring of residents/ visitors/ service and delivery vehicles (including secure/ covered cycle parking)], located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.
5. Before any other operations are commenced (excluding demolition/ site clearance), 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 proposed accesses/ driveways to the proposed estate streets shall be no steeper than 1 in 14 for the first 5.0m from the nearside rear of footway/margin and 1 in 10 thereafter.
7. Before the submission of a reserved matters application with details of layout, a programme of archaeological field evaluation and subsequent reporting shall be carried out as specified at 6.5 of the applicants Heritage Statement and in line with an archaeological Written Scheme of Investigation to be submitted and approved in writing by the Local Planning Authority.
8. No development shall take place until a Written Scheme of Investigation (WSI) for archaeological work has been submitted to and approved in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and
  1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation.

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5. Provision to be made for archive deposition of the analysis and records of the site investigation.
6. Nomination of a competent person or organisation to undertake the works set out in the WSI
9. No development shall take place other than in accordance with the approved Written Scheme of Investigation.
10. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation, and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
11. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and the Flood Risk Assessment (FRA) from Morgan Tucker (MT/NWK/VRG/1345 dated November 2012), has been submitted to and approved in writing by the local planning authority. The surface water runoff rate from the developed area shall be limited to the Greenfield rate of 3.5 l/s/ha and on site storage attenuation provided if a new outfall to the adjacent watercourse is proposed. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
- Details of volumetric run-off control as per CIRIA SUDS Manual C697 with the rate set at Qbar if no infiltration is provided.
  - Details of exceedence event up to a 1 in 100 year including climate change allowance
  - Details of how the scheme shall be maintained and managed after completion
- The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.
12. 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).

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This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

13. 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.
14. 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.
15. 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 .
16. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - a) the parking of vehicles of site operatives and visitors
  - b) loading and unloading of plant and materials
  - c) storage of plant and materials used in constructing the development
  - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - e) wheel washing facilities
  - f) measures to control the emission of dust and dirt during construction
  - g) a scheme for recycling/disposing of waste resulting from demolition and construction works.
17. No construction/demolition work at the site shall take place outside the following hours:-
  - (i) 07:00 hours to 19:00 hours Mondays to Fridays.
  - (ii) 08:00 hours to 16:00 hours on Saturdays.
  - (iii) At any time on Sundays or Public Holidays except by agreement with the Local Planning Authority.
  - (iv) All deliveries to the site shall be limited to within the above hours.Any equipment which needs to be operated outside the hours specified above shall be

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acoustically screened in accordance with a scheme to be agreed with the Local Planning Authority.

18. The maximum number of units accommodated on the site shall not exceed 58.

### **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. 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.
3. In order that the amenities enjoyed by the occupants of the dwellings shall not be injured and to secure an appropriate standard of development, in accordance with Policy GD5 and 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.
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6. In the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.
7. To enable the site's archaeological remains to be properly investigated and recorded, in accordance with Policy BC10 of the High Peak Saved Local Plan Policies 2008 and advice in the National Planning Policy Framework.
8. To enable the site's archaeological remains to be properly investigated and recorded, in accordance with Policy BC10 of the High Peak Saved Local Plan Policies 2008.
9. To enable the site's archaeological remains to be properly investigated and recorded, in accordance with Policy BC10 of the High Peak Saved Local Plan Policies 2008.
10. To enable the site's archaeological remains to be properly investigated and recorded, in accordance with Policy BC10 of the High Peak Saved Local Plan Policies 2008.
11. To prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system.
12. To ensure a satisfactory standard of development, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
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14. To ensure a satisfactory standard of development, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
15. 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.

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16. To ensure a satisfactory standard of development, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
17. 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.
18. For the avoidance of doubt and in order to define the position.

### **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.

### **POLICIES RELEVANT TO THIS DECISION**

#### **High Peak Local Plan Saved Policies**

BC10 - Archaeological and Other Heritage Features  
EMP 6 - Industry and business within the built-up area boundaries and homeworking  
EMP 7 - Industry and business in the countryside  
GD2 - Built up area boundaries  
GD3 - Improvement Corridors  
GD4 - Character Form and Design  
H5 - Housing within the Built up Area Boundaries  
H13 - Replacement Dwellings in the Countryside  
OC1 - Countryside Development  
OC4 - Landscape Character and Design  
OC6 - Agricultural Development  
OC8 - Sites of Importance for Nature Conservation  
Flood Risk

#### **Supplementary Planning Guidance:**

- Residential Design
- Landscape Character
- Sustainable Development
- Housing Needs Survey

#### **National Planning Policy Framework**

Para 17 – 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  
Section 8: Promoting healthy communities  
Section 11: Conserving and enhancing the natural environment

#### **Informative**

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Planning Applications Manager

Officers have worked with the developer to achieve a sustainable scheme in line with the requirements of paragraphs 186 and 187 of the NPPF.

## Notes to Applicant

### Plans

The plans to which this Notice refers are listed below:

Location Plan L558/10 Rev A

L558/11 Rev 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.

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](http://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  
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