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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 2GB

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

Application no. HPK/2013/0390

Registered on 17/07/2013

Determined on 02/09/2013

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

Proposed Variation of Condition 5 - Access Route, to allow temporary access route to be adjacent to permanent access 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. Before any other operations are commenced (excluding demolition/ site clearance) a temporary vehicular access for construction purposes shall be formed to Whitle Road in accordance with the submitted drawings, laid out with the fronting footway receiving suitable protection (e.g. steel plate) and provided with emerging visibility splays of 2.4m x 60m and 2.4m x 30m in the eastern and western directions respectively, the area in advance of the sightlines being cleared of all obstructions greater than 1m in height (0.6m in the case of vegetation), maintained in accordance with the approved scheme throughout the contract period free from any impediment to its designated use. The temporary access hereby

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Michael Green
Planning Applications Manager

approved by this permission shall be discontinued on the expiration of a period of 12 months from the date of this permission, unless otherwise agreed in writing with the Local Planning Authority.

2. The dwelling, the subject of the application site, shall not be occupied until the permanent vehicular access to the site has been constructed and the temporary construction access has been permanently closed with a physical barrier with any damage caused to the public highway being put right and the land adjoining the temporary access reinstated in a manner and timescale to be submitted and agreed in writing with the Local Planning Authority prior to the occupation. The reinstatement of the highway and the land shall be carried out in accordance with the approved details.

3. Measures shall be taken to ensure that surface water run-off from within the site and temporary access is not permitted to discharge across the footway margin or land within the ownership of the applicant and any adjacent land. 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 soak away within the site or other suitable preventative measures.

4. This permission relates to the variation of condition 5 attached to permission HPK/2013/0068 approved 10/04/2013. Other than the variation(s) approved here, the development shall be carried out in total accordance with the approved plans and conditions attached to the original permission and for the avoidance of doubt the land adjoining the temporary access identified hatched in green on the plan 2278.14 attached to this consent.

Reasons

1. In the interests of highway safety, amenity and for the avoidance of doubt, in accordance with Policy GD5, TR5 of the High Peak Saved Local Plan Policies 2008.

2. In the interests of highway safety, amenity and to ensure the highway and site is returned to a suitable condition, in accordance with Policy GD4, GD5 and TR5 of the High Peak Saved Local Plan Policies 2008.

3. 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.

4. For the avoidance of doubt.

Summary of reasons for granting permission

The Council entered into pre-application discussions with the applicant to secure a improved scheme, as has been submitted and consequently approved. 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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Michael Green
Planning Applications Manager

POLICIES RELEVANT TO THIS DECISION

High Peak Local Plan Saved Policies

GD5 - Amenity
TR5 - Access, parking and design

National Planning Policy Framework

Notes to Applicant

Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 3 months prior notification should be given to the Strategic Director of Environmental Services at County Hall, Matlock (tel: 01629 538537 and ask for the Maintenance North, Mrs. Gail Mordey) before any works commence on the vehicular access within highway limits.

The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose 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 Authority reserves the right to take any necessary action against the householder.

Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken 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.

Plans
The plans to which this Notice refers are listed below:
2278.05
2278.14

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.

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Michael Green
Planning Applications Manager

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