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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

OUTLINE PLANNING APPLICATION

PERMISSION

Applicant Mr John Swindells
J W Swindells Ltd
The Vicarage Marsh Lane
New Mills
SK22 4PN

Agent J R Consulting
44 Carleton Road
Higher Poynton
DK12 1TL

Application no. HPK/2013/0315

Registered on 12/06/2013

Determined on 10/09/2013

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

Application for Outline Planning Permission for Residential Development, Associated Access and Landscape Works at Land off Marsh Lane New Mills

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.
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.

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Michael Green
Planning Applications Manager

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3. Approval of the details of layout, scale, appearance, and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

4. The development hereby permitted does not grant or imply consent for the indicative layout shown on Drawing No.249.001 which accompanied the application and the approved development shall not comprise more than 29 dwellings.

5. 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 1600 hours on Saturdays.

   3. At any time on Sundays or Public Holidays except by agreement with the Local Planning Authority, unless otherwise agreed in writing with the Local Planning Authority.

6. Any equipment which needs to be operated outside the hours specified above shall be acoustically screened in accordance with a scheme to be agreed with the Local Planning Authority.

7. If piling is necessary, a written method statement shall be submitted to the Local Planning Authority. No piling shall take place until the method statement has been approved.

8. The development hereby permitted shall not commence until a scheme of dust suppression to include measures to prevent dust escaping from the site e.g. wet suppression of dust during dry periods or cessation of activities during windy periods and measures to clean vehicular wheels as appropriate to prevent mud on the highway shall be submitted to the Local Planning Authority. The development shall not proceed until written approval has been received from the Local Planning Authority for this scheme and the approved scheme shall be implemented throughout the course of the development.

9. Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until the following have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until these conditions have been complied with in relation to that contamination.

A. Site Characterisation

   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;

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(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'.

B. Submission of Remediation Scheme

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.

C. Implementation of Approved Remediation Scheme

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. 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.

D. Reporting of Unexpected Contamination

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 A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, 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 C.

10. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased with five years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of

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similar size and species unless the Local Planning Authority gives written consent to any variation.

11. (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.

12. No development or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement 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 Method Statement. Such Method Statement shall include full details of the following:

    a) Implementation, supervision and monitoring of the approved Tree Protection Scheme required by Condition 9.

    b) Implementation, supervision and monitoring of the approved Tree Work Specification.

    c) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme.

    d) Timing and phasing of Arboricultural works in relation to the approved development.

13. The design and construction of vehicular drives and parking areas within the crown spread any trees to be retained on site and must be in line with appropriate guidelines (BS 5837: 'Trees in Relation to Construction' 2005). They must be constructed utilising minimum excavation techniques and incorporating appropriate surfaces to avoid damage to trees. No development shall take place until there has been submitted to and

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improved in writing by the local planning authority technical details of the proposed drives and parking areas, to include their dimension (in relation to existing ground levels) and when they are to be constructed in relation to other development operations.

14. 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 (eg furniture, play equipment, refuse or other storage units, signs, lighting etc.); 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.

15. 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.

16. Before any other operations are commenced, the existing access to Marsh Lane shall be modified to include a 5.5m wide carriageway and a 6m radius on either side. Emerging visibility sightlines shall be provided extending from a point 2.4m back from the Marsh Lane carriageway edge, measured along the centreline of the access, for a distance of 43m in each direction measured along the nearside carriageway edge on Marsh Lane. The land in advance of the visibility sightines shall be cleared and thereafter retained permanently free of all obstrcutions above ground level.

17. Before any other operations are commenced (excluding demolition/ site clearance and access modifications reffered to in Condition 16), 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.

18. The dwellings, the subject of the application, shall not be occupied until the proposed new estate streets within the application site have been designed and laid out in accordance with the '6C's Design Guide' - http:www.leics.gov.uk/htd and constructed to base level to adoptable standards all as agreed in writing with the Local Planning Authority.

19. The dwellings, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking and manoeuvring of residents vehicles, located, designed, laid out and constructed all as agreed in writing with the Local

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Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

20. The development shall not commence until details of a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the details of the approved scheme.

21. Prior to the start of works, a detailed mitigation, enhancement and management plan should be produced that provides details on the biodiversity measures that will be incorporated into the proposed development. These should include details of a proposed planting scheme, details of how the dry heath/acid grassland will be retained/protected and managed, details of where mature trees/scrub will be retained, details of a sensitive lighting scheme to protect foraging bats and how features for nesting birds and bats will be incorporated into the proposed housing. This plan should be supported by appropriate drawings showing the location of retained and created habitats and other biodiversity features. This should be submitted to the Local Planning Authority in writing for approval and the development shall be carried out in full accordance with the any details and recommendations in this approved plan.

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. To ensure a satisfactory standard of development, in accordance with Policy GD4 of the High Peak Saved Local Plan Policies 2008.

4. To define the permission for the avoidance on doubt and In the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

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

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

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

8. In order that the amenities of the district shall not be injured, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

9. 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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10. 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.
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13. 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.
14. In the interests of visual amenity, in accordance with Policy GD6 of the High Peak Saved Local Plan Policies 2008.
15. In the interests of visual amenity, in accordance with Policy GD6 of the High Peak Saved Local Plan Policies 2008.
16. 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.
17. 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.
18. In the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.
19. 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.
20. To ensure a satisfactory standard of development, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
21. To safeguard wildlife in the interests of nature conservation in accordance with Section 11 of the National Planning Policy Framework.

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.

This is considered to be a sustainable form of development and so complies with the provisions of paragraphs 186 and 187 of the NPPF.

POLICIES RELEVANT TO THIS DECISION

High Peak Local Plan Saved Policies

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Planning Applications Manager

GD2 - Built up area boundaries
GD5 - Amenity
GD12 - Unstable Land, Landfill and Contaminated Sites
H1 - Principles of Housing Provision
H5 - Housing within the Built up Area Boundaries
H9 - Affordable Housing for Local Needs
H11 - Layout and Design of residential development
OC10 - Trees and Woodlands
TR5 - Access, parking and design

National Planning Policy Framework
Core Planning Principles
Section 6: Delivering a wide choice of high quality homes
Section 11: Conserving and enhancing the natural environment

Notes to Applicant

Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from Mr I Turkington, the Area Project Engineer at County Hall, Matlock (tel: 01629 538578). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

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 Director of Environmental Services at County Hall, Matlock (tel: 01629 580000 and ask for the Area Project Engineer, Mr I Turkington, tel 01629 538578.

Highway surface water shall be disposed of via a positive, gravity fed system (ie; not pumped) discharging to an approved point of outfall (eg; existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.

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, at least 6 weeks prior notification should be given to the Director of Environmental Services at County Hall, Matlock (tel: 01629 580000 and ask for the New Roads and Streetworks Section).

Pursuant to Sections 219/220 of the Highways Act, relating to the Advanced Payments Code, where development takes place fronting new estate street the Highway Authority is obliged to

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serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing the estate street up to adoptable standards at some future date. This takes the form of a cash deposit equal to the caluclated constrcution costs and may be held indefinitely. The development normally discharges his/her obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highway Act 1980.

Plans

The plans to which this Notice refers are listed below:

Location Plan 10-036-P001RevA
249.001 Rev A
249.002 Rev 2
249.003
249.004 Rev 2
249.005
249.006
249.007
249.008
249.009
249.010
249.011
249.012
249.013
249.014
725/04
725/SP/01

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 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.

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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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