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**High Peak Borough Council**

*working for our community*

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 & Mrs David & Christine Mycock
19 Woodgate Road
Moulton Chapel
Spalding
PE12 0XF

Agent Mr C Mycock
32 Albert Street
Spalding
PE11 2LF

Application no. HPK/2013/0421

Registered on 02/08/2013

Determined on 27/09/2013

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

**Proposed outline residential development at Land adjacent to Buxton Road Chinley**

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.
3. No development shall take place on site until a management plan relating to the private highway serving the site up to its boundary with the public highway is submitted to and approved in writing by the Local Planning Authority. The management plan shall

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Michael Green
Planning Applications Manager

include details of all management responsibilities and maintenance schedules for all such highways within the site, and shall be carried out in full accordance with the approved details unless the Local Planning Authority gives its written consent to any variation.

4. The development hereby permitted shall not be commenced until such times as; a scheme demonstrating that finished floor levels of all proposed residential dwellings are to be set at a minimum of 197.00m AOD (as recommended within the Flood Risk Assessment submitted with the application), has been submitted to and approved in writing by the Local Planning Authority.
5. The development hereby permitted shall not be commenced until such time as; a scheme demonstrating no built development or alteration of ground levels within the 1 in 100 year flood outline, has been submitted to and approved in writing by the Local Planning Authority.
6. Notwithstanding details submitted with the application, all matters, including scale, siting, design and access shall be reserved for subsequent approval.

**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 satisfactory service provision in the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.
4. To reduce the risk of flooding to the proposed development and future occupants.
5. To ensure no increase in fluvial flood risk.
6. For the avoidance of doubt.

**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 the NPPF.

**POLICIES RELEVANT TO THIS DECISION**

**High Peak Local Plan Saved Policies**

GD2 - Built up area boundaries
H1 - Principles of Housing Provision

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Michael Green
Planning Applications Manager

H5 - Housing within the Built up Area Boundaries
H11 - Layout and Design of residential development
TR5 - Access, parking and design

**National Planning Policy**
Section 6 Delivering a wide choice of quality homes

Section 7 Requiring Good Design

**Notes to Applicant**

Otter Brook is designated as a 'main river'. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of a designated 'main river'.

The Environment Agency has discretionary powers within the above Act, to carry out works to a designated 'main river' for which access is required to and along the banks of the watercourse.

The proposed layout should ensure that access is provided to the watercourse. Consent under the Byelaws for any proposals within the 8 metres wide strip that would affect access, is unlikely to be granted.

The Agency needs to compile reports to meet DEFRA high level targets and consequently a copy of the required decision notice should be forwarded following determination of the application.

**Plans**
The plans to which this Notice refers are listed below:
01
02

**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.

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Planning Applications Manager

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.
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Michael Green
Planning Applications Manager

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