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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

APPLICATION FOR APPROVAL OF RESERVED MATTERS

APPROVAL

Applicant Mr Simon Pote
Copperleaf (Buxton) Ltd & Woolford Land Ltd
Oakfield House Tyrherington Business Park
Macclesfield
SK10 2XA

Agent OMI Architects
31 Blackfriars Road
Salford
Manchester
M3 7AQ

Application no. HPK/2013/0415

Registered on 18/07/2013

Determined on 01/10/2013

High Peak Borough Council hereby **APPROVE** this application for **RESERVED MATTERS** for

Application for Approval of Reserved Matters following Outline Approval forApplication HPK/2011/0088. at Land to the South of Carr Road Buxton

in accordance with the submitted application, details and accompanying plans listed below subject to the following conditions and reasons:-

Conditions

1. 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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Planning Applications Manager

2. Notwithstanding the details shown on plans ref 01 Rev C 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, 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.

3. 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.

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

5. No operations shall commence on site in connection with the development hereby approved (including demolition works, tree works, fires, 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 (AMS) in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority and the protective fencing is erected as required by the AMS.

   The AMS shall include full details of the following:

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

   b) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works.

   c) Details of a tree protection scheme in accordance with BS5837:2012 which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are shown to be retained on the approved plan and trees which are the subject of any Tree Preservation Order.

   e) Details of any construction works, including changes in ground level, required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme

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f) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the arboricultural method statement

6. No operations shall commence on site in connection with the development hereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until a tree protection scheme in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority and erected

7. a) All tree felling and pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works.

b) 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.

c) 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.

d) No development or other operations shall take place except in complete accordance with the approved protection scheme and Arboricultural Method Statement

8. No operations shall commence on site in connection with the development hereby approved (including demolition works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the detailed design and construction method statement of vehicular drives, parking areas and other hard surfacing within the root protection area (as defined by BS5837:2012) has been submitted in writing and approved by the Local Planning Authority.

The design and construction must:

a) Be in accordance with the recommendations of BS5837:2012.

b) Include details of existing ground levels, proposed levels and depth of excavation.

c) Include details of the arrangements for the implementation, supervision and monitoring of works.

9. A 4.5m x 90m exit visibility splay shall be preserved at eh junction of Carr Road and Leek Road, the area in advance of the splay forming part of the highway and not part of the any plot or other sub-division of the site.

10. Before any other operations are commenced (excluding demolition/ site clearance), space shall be provided within the site curtilage forstorage 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

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maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.

11. Before any other operations are commenced on each individual plot new vehicular accesses shall be created to Carr Road in accordance with the approved plans laid out, constructed and provided with 2.4m x 33m exit visibility splays in either direction, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

12. The sole means of vehicular and pedestrian access to the application site shall be from Carr Road only. There shall be not means of access (either vehicular or pedestrian) to Leek Road (A53) or Carr Road within 20m of the its junction with the A53.

13. The accesses, the subject of condition 12 above, shall not be taken into use until 2m x 2m x 45º pedestrian intervisibility splays have been provided on either side of the access at the back of the footway, the splay area being maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.

14. The development, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the approved plans for the parking of residents/visitors vehicles laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

15. Unless other wise agreed in writing with the Local Planning Authority, prior to the occupation of the last dwelling and within 18 months of the commencement of works on the site, the developer shall reinstate/reconstruct/resurface the entire footway fronting the development site.

16. There shall be no gates of other barriers within 5m of the nearside highway boundary and any gates shall open inwards only.

17. The proposed access drives to Carr Road shall be no steeper than 1 in 14 for the first 5m from the nearside highway boundary and 1 in 10 thereafter.

18. 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:
    o human health,
    o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    o adjoining land,
    o groundwaters and surface waters,
    o ecological systems,

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o 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'.

19. 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.

20. 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.

21. 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 21.

22. 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 1300 hours on Saturdays.
    3. At any time on Sundays or Public Holidays except by agreement with the Local Planning Authority.

23. No piling shall take place outside the hours 0900 hours to 1600 hours Mondays to Fridays.

24. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Classes B and E of Part (1) of Schedule 2 of the Order shall be erected on the application site.

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25. No works shall take place on site until a measures survey of the site has been undertaken and a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor levels from a specified bench lark has been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details.

26. 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.

27. Prior to the commencement of development, a scheme for the control of surface water run off, during construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented for the duration of construction works.

Reasons

1. 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.

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

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

4. To ensure the continued well being of the trees in the interests of the amenity and environmental quality of the locality and in accordance with Policies GD6 and OC10 of the High Peak Saved Local Plan Policies 2008.

5. To ensure the continued well being of the trees in the interests of the amenity and environmental quality of the locality and in accordance with Policies GD6 and OC10 of the High Peak Saved Local Plan Policies 2008.

6. To ensure the continued well being of the trees in the interests of the amenity and environmental quality of the locality and in accordance with Policies GD6 and OC10 of the High Peak Saved Local Plan Policies 2008.

7. To ensure the continued well being of the trees in the interests of the amenity and environmental quality of the locality and in accordance with Policies GD6 and OC10 of the High Peak Saved Local Plan Policies 2008.

8. To ensure the continued well being of the trees in the interests of the amenity and environmental quality of the locality and in accordance with Policies GD6 and OC10 of the High Peak Saved Local Plan Policies 2008.

9. In the interests of highway safety and in accordance with Policy TR5 of the adopted High Peak Saved Local Plan Policies 2008.

10. 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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Planning Applications Manager

11. 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.
12. In the interests of highway safety and in accordance with Policy TR5 of the adopted High Peak Saved Local Plan Policies 2008.
13. 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.
14. 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.
15. In the interests of highway safety and in accordance with Policy TR5 of the adopted High Peak Saved Local Plan Policies 2008.
16. In the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.
17. In the interests of highway safety and in accordance with Policy TR5 of the adopted High Peak Saved Local Plan Policies 2008.
18. 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
19. 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.
20. 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.
21. 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.
22. In order to protect the amenities of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
23. In order to protect the amenities of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
24. To enable the Council to exercise control over future developments at the site, in the interests of visual amenity and accordance with Policy GD4 and Policy GD5 of the High Peak Saved Local Plan Policies 2008.
25. In the interests of the visual and residential character of the area and in accordance with Policies GD4 and GD5 of the High Peak Saved Local Plan Policies 2008.
26. To ensure adequate and appropriate treatment to all boundaries, in the itnerests of visual and residential amenity and in accordance with Policies GD4 and GD5 of the High Peak Saved Local Plan Policies 2008. .
27. In the interests of residential amenity and in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

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Michael Green
Planning Applications Manager

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.

The Council entered into pre-application discussions with the applicant to secure a revised/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

POLICIES RELEVANT TO THIS DECISION

High Peak Local Plan Saved Policies

BC1 - External Materials
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
OC4 - Landscape Character and Design
OC10 - Trees and Woodlands
TR5 - Access, parking and design

National Planning Policy Framework
Sections 1, 6, 7 and 11.

Notes to Applicant

The applicants attention is drawn to the comments provided by the Highway Authority on 9th August 2013 and the informatives recommended.

Plans
The plans to which this permission refers are listed below:
1336 L/0001
1336 L/1001
1336 L1002
1336 L/1101
1336 L/1100A
1336 L/1102
1336 L/1103
1336 L/1200
1336 L/1201A
1336 L/1202
1336 L/1203
1336 L/1204
1336 L/1205

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1336 L/1300
1336 L/1400
1336 L/1600
1336 L/1601
1336 L/1602 A
1634 01 Rev C
1634 02 Rev B
S12/468
1336 L/1000 A

Note
This approval of Reserved Matters relates to outline planning permission reference no. HPK2011/088 that the conditions of this outline permission still apply.

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.

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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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Michael Green
Planning Applications Manager