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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
Seddon Homes Ltd
3 Cinnamon Park Crab Lane
Warrington
WA2 0XP

Agent
Higham & Co
500
Styal Road
Manchester
M22 5HQ

Application no. HPK/2013/0320

Registered on 17/06/2013

Determined on 19/12/2013

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

Outline planning permission for residential development of up to 105 dwellings, public open space, associated landscaping, infrastructure & access at Land off Southern End Long Lane, Chapel-en-le-Frith

in accordance with the submitted application, details and accompanying plans listed below 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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Planning Applications Manager

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. Before any other operations are commenced, revised detailed designs shall be submitted to the Local Planning Authority for written approval indicating the proposed junction and pedestrian/cycle link access point layouts.

5. Before any other operations are commenced, a new estate street junction (the subject of condition 4) shall be formed to Long Lane located, designed, laid out, constructed and provided the apporved exit visibility splays in either direction, all as agreed in writing with the Local Planning Authority, the area in advance of the sightlines being levelled, forming part of the new street constructed as footway and not forming part of any plot or other sub-division of the site.

6. Unless otherwise agreed in writing by the Local Planning Authority, prior to the occupation of the any dwelling, the pedestrian/cycle links (the subject of condition 4) shall be laid out, constructed and provided with the approved exit visibility splays in either direction, all as agreed in writing by the Local Planning Authority, the area in advance of the sightlines being levelled, forming part of the new street constructed as approved and not forming part of any plot or other sub-division of the site.

7. 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 County Council's current design guide and constructed to adoptable standards all as agreed in writing with the Local Planning Authority.

8. The dwellings, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking/ loading and unloading/ 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.

9. Before any other operations are commenced, space shall be provided within the site curtilage for the 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.

10. Private accesses to dwellings shall not be occupied 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.

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11. Private access drives to the existing or proposed highway shall be no steeper than 1 in 14 for the first 5m from the nearside highway boundary and 1 in 10 thereafter.

12. The dwellings hereby approved shall not be occupied until a travel plan has been submitted to and approved in writing by the Local Planning Authority. The travel plan shall set out proposals (including a timetable), to promote travel by sustainable modes and shall be implemented in accordance with the timetable set out therein. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually, on the anniversary of the date of the planning consent tot eh Local Planning Authority for a period of 5 years from the first occupation of the dwellings.

13. The development hereby permitted shall not commence until a scheme to limit the surface water run-off generated by the proposed development has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details.

14. The development hereby permitted shall not commence until a scheme to manage the risk of flooding from overland flow of surface water has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details.

15. 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,
    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'.

16. 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

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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.

17. 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.

18. 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 17.

19. 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.

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

21. No development shall take place until a full acoustic survey has been undertaken to determine both night time and daytime noise levels at the site. The assessment shall determine the noise exposure categories for dwellings within the site as described in PPG24. This survey shall be submitted to the Local Planning Authority for written approval, and the recommendations implemented in full.

22. No development shall take place until a Written Scheme of Investigation for archaeological works has been submitted to and approved in writing by the Local Planning Authority, and until any pre-start element of the approved scheme has been completed to the satisfaction of the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and

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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 of publication and dissemination of the analysis and records of site investigation.
5. Provision to be made for archive deposition of the analysis and records of the site investigation.
6. Nomination of a competent person to undertake the works set out within the Written Scheme of Investigation.

The development shall not commence other than in accordance with the approved archaeological Written Scheme of Investigation.

23. 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 approved under condition 22 and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

24. The maximum number of units accommodated on the site shall not exceed 105.

25. No removal of hedgerows, trees or scrub shall take place between the 1st March and 31st August inclusive, unless a recent survey has been undertaken to assess the nesting bird activity on the site during this period and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the Local Planning Authority, and then implemented as approved.

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. In the interests of highway safety and in accordance with Policy TR1 and TR5 of the High Peak Saved Local Plan Policies 2008.

5. In the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

6. In the interests of highway safety and in accordance with Policy TR1 and TR5 of the High Peak Saved Local Plan Policies 2008.

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7. In the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

8. 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.

9. 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.

10. 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.

11. 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 sustainability and in accordance with Policy TR1 of the High Peak Saved Local Plan Policies 2008.

13. To prevent the increased risk of flooding by ensuring the satisfactory storage of/disposal of surface water and in accordance with paragraphs 100-103 of the National Planning Policy Framework

14. To reduce the risk of flooding to the proposed development and future occupants, and in accordance with paragraphs 100-103 of the National Planning Policy Framework.

15. 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 and paragraph 17 of the National Planning Policy Framework.

16. 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 and paragraph 17 of the National Planning Policy Framework.

17. 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 and paragraph 17 of the National Planning Policy Framework.

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 and paragraph 17 of the National Planning Policy Framework.

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

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

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21. In the interests of future residential amenity and in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

22. In the interests of the heritage asset and paragraph 128 of the National Planning Policy Framework.

23. In the interests of the heritage asset and paragraph 128 of the National Planning Policy Framework.

24. In the interests of highway safety and in the visual amenites of the locality and in accordance with Policies TR5 and GD4 of the High Peak Saved Local Plan Policies 2008.

25. In the interests of Nature Conseravtion and in accordance with Paragraph 109 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 the NPPF.

POLICIES RELEVANT TO THIS DECISION

High Peak Local Plan Saved Policies

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
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

National Planning Policy Framework

Notes to Applicant

The applicants attention is drawn to the informatives detailed by the Highway Authority in their letter dated 30th August 2013.
The watercourse along the south-eastern boundary of the site is Warm Brook, which is designated a " main river". In accordance with the Water Resources Act 1991 and the Land Drainage

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Byelaws, the Environments Agency's prior written consent is required for any proposed works or structures in, under, over or within 8m of the top of the banks of the brook.

Plans
The plans to which this Notice refers are listed below:
Location Plan 3681/08A
653/03
J246/Access/Fig1

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.

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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