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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

APPLICATION FOR APPROVAL OF RESERVED MATTERS

APPROVAL

Applicant
Wainhomes NW Ltd / Innovation Forge Ltd
Cedarwood 2 Kelvin Close
Birchwood
Warrington
WA3 7PB

Agent
DGL Associates Limited
Barn Meadow House
Southfield Fold Farm
Southfield
Burnley
BB10 3RH

Application no. HPK/2013/0577

Registered on 28/10/2013

Determined on 27/01/2014

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

Application for Approval of Reserved Matters Following Outline Approval for Phase 1 - Construction of 91 No. Dwellings, 1No. B1 Office Unit and 1No.D1 Creche Unit including Access from Green Lane / Whitehough Head Lane and Associated Works at Forge Bleach Works Forge Road Chinley

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

Conditions

1. The development hereby approved shall not be carried out otherwise than in complete accordance with the revised plans and specifications shown on drawing nos: 1307/WHD/FRC/LP01, 1307 WHD/FRC-PL01 Rev P, 1307 WHD/FRC-SS01 Rev A, 1307

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Michael Green
Planning Applications Manager

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WHD/FRC-MP01 Rev J, 1307 CLH/CB1-FPE01 Rev D, 1307 CLH/CD1-FPE01 Rev C, 4588.01 Rev C, 'Priestley' 4.21/P/S/L, 'Chinley' 1B/APART/P/L10/300 Rev B, 'Churchill' 2.214/P/S/L10/300, 'Baird' 3.217/P/S/L10/300, 'Brunel' 4.208/P/B/L10/300, 'Claydon' 3.118/P/S/L10/300, 'Baird/Claydon' 3.118BL/P/S/L10/300, 'Davy' 4.212/P/S/L10/300 'Davy Side Aspect' (plot 69) 4.212SA/P/B/L10/300, 'Jenner Semi-detached' 4.209S/P/R/G, 'Jenner Plots 35-33' 4.209/35-33/P/R/G, 'Nelson' 4.403/P/S/L10/300, 'Nightingale' 4.204/P/S/L10/300, 'Scott' 4.207/P/S/G, 'Stephenson' 4203/p/S/L10/300, 'Whitemoor' 4.234/P/S/G, 'Wren DA' 4.404DA/P/S/L10/300, 'Wren' 4.404/P/S/L10/300, PGL/1.0/1/S, PGL/1.0/2/S, PGL/1.0/3/S, PGL/1.0/4/S, PGL/1.0/5/S, 1307 WHD/FRC/SW02 , 1307 WHD/FRC/SW03, 1307 WHD/FRC/SW04, SD/EW/05, 13070/02/1 Rev D, 13070/02/2 Rev C, 13070/02/3 Rev C, 13070/02/4 Rev C, 13070/03/1 Rev B, 13070/02/4/1 Rev C, Royal Haskoning DHV Swept Path Analysis, TR001.rev B (Large Rigid Vehicle), TR002.rev B (Large Refuse Vehicle), TR003.rev B (Fire Tender).

2. No development shall commence until samples of the materials to be used in the construction of the external surfaces of the 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.

3. 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.

4. The development hereby approved shall be completed in accordance with the approved proposed finished floor and ground level information, unless otherwise agreed in writing by the Local Planning Authority.

5. No development shall take place including any works of demolition until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the construction period. The statement shall provide for:

   a. routes for construction traffic / delivery vehicles
   b. hours of operation
   c. pedestrian protection measures on Forge Road for existing residents / public rights of way users
   d. arrangements for turning vehicles
   e. site hoarding

6. Forge Road shall be laid out in accordance with the application drawings and improved in terms of its construction quality, drainage and lighting, in accordance with details submitted to and approved in writing by the Local Planning Authority. The approved works being

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carried out strictly in accordance with the approved details in a timescale agreed with the Local Planning Authority prior to house building operations commencing on site.

7. Internal estate street junctions shall be laid out in accordance with the application drawings (Drg. No. 1307WHD/FRC-PL01 Rev P) with 6m junction radii and provided with 2.4m x 25m visibility splays in each direction, the area in advance of the sightlines being levelled, constructed as footway / verge and not being included in any plot or other sub-division of the site.

8. The premises and dwellings, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of residents, visitors, service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

9. Prior to occupation of any dwelling, office unit or Creche, the subject of the application, a suitable turning area (or alternative interim provision) suitable for service / delivery / emergency vehicles shall be constructed and made available for use, all as may be agreed in writing with the Local Planning Authority. Any temporary areas being maintained until such time as the permanent turning area / facilities are constructed and available for use, the areas thereafter being maintained for the purposes of turning vehicles for the life of the development.

10. Individual access driveways to plots / dwellings shall be provided with minimum 2.4m x 25m visibility sightlines in each direction, measured up to 1m out into the adjoining carriageway at the extremity of the splays. The area in advance of the sightlines being maintained free from any obstructions to visibility over 1m high (600mm in the case of vegetation), relative to the nearside carriageway channel level, and thereafter maintained in this condition for the life of the development.

11. The access driveways to the proposed estate streets shall be no steeper than 1 in 14 for the first 5m from the nearside highway boundary and no steeper than 1 in 10 thereafter.

12. Prior to the commencement of the development (excluding demolition/site clearance) hereby permitted details of the means of refuse storage including details of any bin stores to be provided shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and provided prior to the first occupation of the relevant premises and retained for such purposes at all times thereafter.

13. Before any other operations are commenced, excluding demolition/site clearance, new estate street junctions shall be formed to Forge Road in accordance with the application drawings (Drg. No. 1307WHD/FRC-PL01 Rev P), laid out, constructed to base level and provided with absolute minimum 2.4m x 25m visibility splays in either direction, the area in advance of the sightlines being levelled, constructed as footway / verge and not being included in any plot or other sub-division of the site.

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14. Prior to the commencements of development, a scheme for the provision/completion of all highways within the red edge of the application site to Derbyshire County Council adoptable standards shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall make provision for the phasing of all such highway works for the complete delivery of the internal roads to the adoptable standards and measures that will ensure that no dwelling hereby approved shall be occupied until such time as there is a highway in place constructed to adoptable standards and linking it to the junction with Forge Road, Green Lane and Whitehough Head Lane.

15. (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.

16. 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
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.

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17. 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.

18. Prior to the commencement of development a plan showing the boundaries between public and private space shall be submitted to and approved in writing by the Local Planning Authority. Any space designated a public open space shall be the subject of a long term landscape management plan, which shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for any landscaping, hard surfacing and a long term management schedule for such areas.

19. 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.

Reasons

1. Reason - For the avoidance of doubt.

2. Reason - 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.

3. Reason - To ensure adequate and appropriate treatment to all boundaries.

4. In the interests of visual and residential amenity and in accordance with Policies GD4 and GD5 of the HIgh Peak Saved Local Plan POlicies 2008.

5. In the interests of highway safety and 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 TR5 of the High Peak Saved Local PLan Policies 2008.

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

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

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

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

11. In the interests of highway safety and 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 High Peak Saved Local PLan Policies 2008.

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

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

15. 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 Policy OC10 of the High Peak Saved Local Plan Policies 2008.

16. 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 Policy OC10 of teh High Peak Saved Local Plan Policies 2008.

17. 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 Policy OC10 of the High Peak Saved Local Plan Policies 2008.

18. In the interests of the visual amenities of the locaility and in accordance with Policy OC10 and GD6 of the adopted High Peak Saved Local Plan Policies 2008.

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

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.

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During the course of the consideration of the application the Council sought amendments to the proposals to ensure that layout and design of the development complimented the surrounding character of the area. 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

BC5 - Conservation Areas
BC10Archaeological and Other Heritage Features
EMP 4 - Primary Employment Zones
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
GD3 - Improvement Corridors
GD4 - Character Form and Design
GD5 - Amenity
H5 - Housing within the Built up Area Boundaries
H13 - Replacement Dwellings in the Countryside
OC1 - Countryside Development
OC4 - Landscape Character and Design

National Planning Policy Framework
Para 17: Core planning principles;
Section 1: Building a strong, competitive economy;
Section 6: Delivering a wide choice of high quality homes;
Section 7: Requiring good design;
Section 8: Promoting healthy communities;
Section 11: Conserving and enhancing the natural environment.

Notes to Applicant

The applicant is advised that the development should only commence in accordance with the conditions imposed under the outline consent HPK/2012/0323 and the terms of the Section 106 agreement.

Where relevant, the applicant is advised that all condition precedent imposed under the outline consent HPK/2013/0323 should be agreed with the Local Planning Authority.

Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps 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

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Planning Applications Manager

site to a satisfactory level of cleanliness.

Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by entering into an Agreement under Section 38 of the Highways Act 1980, however, where this is not possible it may be possible to exempt the development from such street-works charges where the development falls into one of the other specific exemption categories highlighted in Section 219 (4) of the Highways Act 1980. Further advice in this respect should be obtained from the County Council's Development Control Implementation Team at County Hall, Matlock.

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. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained by contacting this Authority via email - es.devconprocess@derbyshire.gov.uk . The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

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

As of the 6th April 2012 the Flood and Water Management Act (FWMA) 2010 transposed consenting powers under the Land Drainage Act to Derbyshire County Council as the Lead Local Flood Authority therefore any works in or nearby to an Ordinary Watercourse require consent from Derbyshire County Council. Any works, for example rerouting an ordinary watercourse or the erection of any weirs, dams or other like obstructions, would require consent under the Land Drainage Act (LDA) 1991 from the Consenting Authority. Upon receipt of any application (including the legislative fee) Derbyshire County Council has an 8 week statutory period in which to make a decision and either consent or object the proposals. If the applicant wishes to make an application for any works in relation to these reserved matters then they are advised to contact flood.team@derbyshire.gov.uk.

The application site is affected by a public Right of Way (Footpath number 124 on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 580000 and asking for the Rights of Way Duty Officer. Please note that the granting of planning permission is not consent to divert or

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obstruct a public right of way. If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form. If a right of way is required to be permanently diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a diversion order. Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the planning authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council.

The applicant is advised that no surface water from this development should be allowed to be discharged to the public sewer network either directly or indirectly. The site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the nearby watercourse.

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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