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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 Mrs J C Purcell
Furness Vale Marina Station Road
Furness Vale
SK23 7QA

Agent NextPhase Development Ltd
Newmarket Suite 23 Centrix Keys
Keys Park Road
Cannock
WS11 0GS

Application no. HPK/2013/0686

Registered on 16/12/2013

Determined on 17/03/2014

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

Proposed Redevelopment and expansion of canal boat moorings and construction of an ancillary building and associated landscaping. at Furness Vale Marina Station Road Furness Vale

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

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission unless some other specific period has been indicated in other conditions given.

2. 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

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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 a scheme for the disposal of surface water from the development has first been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter only be implemented in accordance with the agreed scheme.

4. No development shall take place until a Construction Environmental Management Plan incorporating the mitigation measures to prevent pollution of the Peak Forest Canal has been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the agreed Management Plan unless otherwise agreed in writing by the Local Planning Authority.

5. No development shall take place until a landscaping and boundary treatments scheme for the proposed development has first been submitted to and agreed in writing by the Local Planning Authority. The scheme shall indicate the size, species and spacing of planting, the areas to be grassed, replacement habitats and the treatment of all hardsurfaced areas, and also details of a timetable for implementation of the scheme and a landscape management plan. Any such planting which within a period of 5 years of implementation of the landscaping dies, is removed, or becomes seriously damaged or diseased shall be replaced in the next planting season with others of a similar size or species, unless the Local Planning Authority gives written consent to the variation. The approved scheme shall be fully implemented in accordance with the agreed timetable and the landscape management plan shall be implemented as agreed.

6. The development shall only be carried out in accordance with the lighting scheme contained in Chapter M of the Environmental Statement submitted with the application and the lighting plan 0134/01/06 at Appendix Mi of the Environmental Statement unless the Local Planning Authority expressly agrees any variation. The lighting scheme shall be installed prior to any of the new moorings being first brought into use and shall thereafter be so retained.

7. Prior to the commencement of development a water vole survey, including any necessary mitigation measures, shall be carried, the results of which shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details.

8. The noise and vibration attenuation scheme outlined in Chapter L of the Environmental Statement submitted in support of the application (ref: 0134/01 Next Phase Development, Nov 13) shall be adhered to throughout the construction period.

9 a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment

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3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the 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 or persons/organization to undertake the works set out within the Written Scheme of Investigation"

"b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a)."

"c) 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 (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

10. No development shall take place until details of the boundary treatment and design for the retained wet dock area have been submitted to and approved by the local planning authority in writing. The detailed design should seek to conserve and enhance the historic significance of the wet dock area.

11. Prior to the commencement of any works on site, a detailed scheme for traffic and HGV management/routing shall be submitted to and approved in writing by the local planning authority. The scheme shall include the route between Buxton Road (A6(T)) and the Station Road access, documentation for circulation to all site contractors and internal site signage. The approved scheme shall be implemented in full and maintained throughout the duration of the construction period.

12. There shall be no deliveries to the site between the hours of 8.15am to 9.15am and 3.00pm to 4.00pm unless otherwise agreed in writing with the local planning authority.

13. Before any of the operations hereby approved are commenced, which involve the movement of material in bulk to or from the site, facilities shall be provided as agreed in writing with the Local Planning Authority to prevent the deposition of extraneous material on the public highway and shall be maintained throughout the contract period of the development whenever the said operations are carried out.

14. Prior to the taking into use of the additional moorings hereby permitted, the additional parking space sown on the approved drawings shall be provided and be available for use. The parking and turning areas shall be maintained thereafter free from any impediment to their designated use.

15. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

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a) the parking of vehicles of site operatives and visitors
b) loading and unloading of plant and materials
c) storage of plant and materials used in constructing the development
d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
e) wheel washing facilities
f) measures to control the emission of dust and dirt during construction
g) a scheme for recycling/disposing of waste resulting from demolition and construction works.
h) details of techniques to be used to minimise the sediment load during the construction phase.

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.

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 unless the Local Planning Authority gives written consent to any variation.

18. (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.

Reasons

1. 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 and section 51 of the Planning and Compulsory Purchase Act 2004.

2. 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. To ensure that surface water is disposed of in a safe and appropriate manner which minimises the risk of flooding to adjoining land and to comply with the advice and guidance contained in the National Planning Policy Framework 2012 and the accompanying Technical Guidance on Flood Risk.

4. To ensure that adequate mitigation measures are undertaken during all stages of construction work to minimise the impact of these works upon the local environment and to prevent waste and other material from entering the adjacent Peak Forest Canal in the interests of protecting water quality and to comply with Saved Policy GD12 of the adopted High Peak Local Plan 2008.

5. To ensure that the proposed development contributes to the preservation and enhancement of the local character, distinctiveness and biodiversity importance of the waterway corridor and to comply with Saved Policy GD6 of the adopted High Peak Local Plan 2005.

6. To minimise adverse impacts on the canal corridor and local wildlife from light pollution and/or light spill and to comply with Saved OC1- Countryside Development of the adopted High Peak Local Plan 2005.

7. To safeguard wildlife in the interests of nature conservation.

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

9. To enable the site's archaeological remains to be properly investigated and recorded, in accordance with Policy BC10 of the High Peak Saved Local Plan Policies 2008.

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10.In order to protect the archaeological interests of the site, in accordance with Policy BC10 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. To avoid school arriving and leaving times in the interests of pedestrian safety.

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

14. To ensure adequate car parking provision within the site in accordance with the adopted standards of the Local Planning Authority and in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

15. In the interests of amenity, in accordance with Policy GD5 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, in accordance with Policy GD5 and OC10 of the 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, in accordance with Policy GD5 and OC10 of the High Peak Saved Local Plan Policies 2008.

18. 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.

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.

Note

The Council has sought (negotiated) a sustainable form of development which complies with the provisions of paragraphs 186-187 of the NPPF.

POLICIES RELEVANT TO THIS DECISION

High Peak Local Plan Saved Policies

BC1 - External Materials
GD3 - Improvement Corridors
GD4 - Character Form and Design

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LT7 - Intensive Outdoor Recreation
LT11 - Canals and Canal basins
OC1 - Countryside Development
OC2 - Green Belt Development
OC4 - Landscape Character and Design
OC8 - Sites of Importance for Nature Conservation
TR5 - Access, parking and design
TR11 - Footpaths, bridleways and byways
TR13 - Long Distance and local trails

National Planning Policy Framework
Sections 1,3,7,9,11

Notes to Applicant

The applicant is advised that the European protected white-clawed crayfish is known to occur higher up the catchment. As a protected species, the applicant shoud be aware that if any species of crayfish is unexpectedly encountered, that work should cease until suitable identification and advice is sought from a qualified ecologist and that appropriate measures are implemented.

The applicants attention is drawn to Table 11 of the Envrionmental Report which makes recommendations on methods of educating the boat using community on how to mitigate against the longer term impacts of increased boat usage on the environment.

Once Schedule 3 of the Flood & Water Management Act (FWMA) is enacted DCC will be designated a SuDS Approval body (SAB) and will be responsible for approving all construction works which have drainage implications. DCC will not retrospectively adopt any SuDS schemes. As such, should a SuDS solution be proposed for future development, it should be confirmed prior to commencement of works on any proposed development who the responsible organisation for SuDS maintenance will be once the development is complete. Any works in or within close proximity to an 'Ordinary Watercourse' (e.g. an outfall that encroaches into the profile of the watercourse) would require consent under the Land Drainage Act (LDA), 1991 from the consent authoriser (Derbyshire County Council Flood Risk Management Team). The Flood and Water Management Act (FWMA) came into force in 2010 and designated DCC as a Lead Local Flood Authority (LLFA). As of the 6th April 2012 the FWMA transposed consenting powers under the Land Drainage Act to DCC (the LLFA), therefore any works in or nearby to an Ordinary Watercourse require consent from DCC. Upon receipt of any application (including the legislative fee) DCC has an 8 week legislative 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 please contact Flood.Team@derbyshire.gov.uk .

It is understood that a cess pit is to be installed for foul drainage. This is the least sustainable private drainage system because of the cost of regular emptying and damage which could lead to unseen pollution. However in this instance access to the public foul sewer may be hampered by the adjacent railway line and the Canal & Rivers Trust may not permit a discharge into the canal. Therefore in this instance providing the applicant can satisfactorily explain why a package

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treatment plant cannot be installed the Agency would not object to access pit providing it has adequate capacity, level and leak warning alarms.

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 (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

The application site is affected by a Public Right of Way (Footpath Nos 1 & 2 Whaley Bridge) on the Derbyshire Definitive Map). This is also a private access route to Carr House Farm. 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. Advice regarding the temporary (or permanent) diversion of such routes may be obtained from the Director of Environmental Services at County Hall, Matlock (tel: 01629 580000 and ask for the Footpaths Officer.

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

0134/01/1
0134/01/2
0134/01/03
0134/01/04

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

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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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