



High Peak Borough Council
working for our community

23/02/2016

My ref: KAT/DOC/2015/0105

Your ref:

Mr Rawdon Gascoigne
Emery Planning Partnership
2-4 South Park Court
Hobson Street
Macclesfield
Cheshire
SK11 8BS

Dear Sirs

DOC/2015/0105 - Discharge of Conditions 2, 3, 5, 9 (a) 10, 11, 16, 17, 18, 19, 20, 21, 22, 25 & 30 relating to HPK/2013/0483 at Elmwood House & Penlee Church Lane, New Mills

Further to your request to discharge conditions and correspondence sent on the 16th December 2015 on the approved application HPK/2013/0483 I can now confirm the following:

Condition 2 – Materials

As per previous correspondence the samples submitted for development were acceptable and included walls Bradstone Square Dressed (Aggregate Industries) and for the roof Samaca Q53 (UK Slate). The condition is formally discharged.

Condition 3 – Window / Door details

Plan No. – 211080/18/P1 & specifications for openings
Colour scheme – grey (RAL7016)
Plots 1-5 single ½ glazed with grey panels.

The development shall be carried out in accordance with the approved details and shall be constructed in accordance with Condition 4.

Condition 5 – Landscaping

The details as submitted on plan no. PR/TP02/15/LP/01, PR/TP02/15/PP/02, PR/TP012/15/PP01 are acceptable and the development shall be carried out in accordance with those details and as stated in Condition 6.

Condition 7 – Boundary treatments

The details as submitted on plan no. PR/TP02/15/LP/01, 211080/19/P1 and further information as detailed in correspondence dated 12th January 2016 are acceptable.

Condition 9 (A) – Trees

The Arboricultural Officer is satisfied with this information as submitted (Plan no. PR/TP02/15/LP/01) and as such this part of the condition is discharged. To comply with this condition in full then the development requires to be carried out in accordance with 9(b) and 9(c). The protective fencing shall be retained for the full duration of the development, unless otherwise agreed in writing with the LPA.

Condition 10 and Condition 11

The Highway Authority have advised that the revised plan showing the refuse vehicle swept path within the turning head at the closed end of the street is acceptable. As agreed the amended road layout / parking needs to be the subject of a non-material amendment application to ensure that the development is carried out in accordance with any approved plans.

Further correspondence has been received from the Highway Authority dated 9th February 2016 advising that their Clerk of Works has confirmed that the vehicular access has now been constructed to Church Lane.

I would draw your attention to the S106 and the Roadway Maintenance Scheme (para 2.7-2.10) which requires a draft Roadway Maintenance Scheme to be approved in writing prior to the commencement of development. This information has not been submitted. Furthermore within 3 months of the commencement of development details of the proposed Site Management Company would need to be submitted as part of the S106 obligation.

Condition 14 – Manoeuvring of service and delivery vehicles

For clarity - this will need to be discharged prior to the occupation of the dwellings.

Condition 16 – Breeding birds

Derbyshire Wildlife Trust has confirmed the approach that is put forward within the Ecological Working Method Statement is appropriate and should be implemented in full. The condition is discharged.

Condition 17 – Bird nesting housing and boxes

The Ecological Working Method Statement in Paragraph 2.1.1 states that 10 bird boxes plus additional boxes within the woodland will be installed. The accompanying plan illustrates a total of 15 boxes detailing the location and type. The report details the site will be managed by a contractor (unknown) for three years post development. However, the information as submitted is sufficient to discharge the condition.

Following the initial three year period, you will need to ensure that the responsibility for the implementation of the management is in place. This is set out within the S106

agreement relating to the Site Management Company, these details shall be submitted in accordance with the S106 agreement.

Condition 18 – Method Statement (Japanese Knotweed and Himalayan Balsam)

Derbyshire Wildlife Trust has confirmed the approach that is put forward within the Ecological Working Method Statement is appropriate and should be implemented in full. The condition is discharged.

Condition 19 – Protection of semi-natural habitats

Derbyshire Wildlife Trust has confirmed the approach that is put forward within the Ecological Working Method Statement is appropriate and should be implemented in full. To comply with the condition in full the approved fencing shall be erected prior to the commencement of development, this shall be remaining free from any impediment for the duration of the construction works.

Condition 20 – Re-diversion of the stream and creation of the pond

The Ecological Working Method Statement Section 5.2 details the re-diversion which includes details on a specialist consultant will be appointed in regards to fish rescue; the storage of materials will be away from the water course, and where chemicals are included the area will be bunded; the protection of the stream during the work with the use of hale bales; and treatment/protection of Himalayan balsam during the work.

In relation to the pond creation work Section 5.3 of the Ecological Working Method Statement, details dimensions and depth of the proposed pond, along with lined/concealed pond, information board etc. Vegetation removal and dredging will not be undertaken in the first three years, however yearly monitoring on the assessment of the pond and vegetation will be undertaken by the management company.

The information as submitted is acceptable but following initial three year period; it is unclear who will take on the responsibility for the implementation of management. This is set out within the S106 agreement relating to the Site Management Company, these details shall be submitted in accordance with the S106 agreement and timescales.

For the avoidance of doubt the following information was submitted and forms part of this decision relating to Condition 16, 17, 18 & 19:

- Ecological Working Method Statement, (NLG Ecology Ltd, V4 25th January 2016)
- Mill Stream Re-alignment, September 2015
- Landscape Proposals, September and October 2015
- Millers Vale Maintenance and Management (10 Year Plan)

Condition 21 – Contamination / Condition 22 – Remediation

Submitted details – Letter from Peak Environmental Solutions dated 22nd September 2015. Environmental Health has confirmed that Condition 21 can be discharged. I

would refer to the attached document dated 22nd December 2015 relating to Condition 22 in particular which is required to be discharged prior to any development commencing to comply. As such Condition 22 can not be discharged.

Condition 25 – Construction Method Statement

The information as submitted is acceptable to discharge this condition (Annotated plan no. 103/P1/ Construction Method Statement (Site Management and Code of Construction Practice, Treville Properties Ltd)). The construction works shall be carried out in accordance with this method statement and I must remind you that all construction work at the site shall take place during the hours as stipulated within the method statement and in accordance with Condition 26. The Council will monitor those hours to ensure there is no breach and that construction works do not impact on the amenity of adjacent residential occupiers.

Condition 30 – Surface water run off limitation

The following plans were submitted PM4528/002 Rev B, PM4528/003 Rev A, PM4528/004 Rev B, PM4528/005 Rev B, PM4528/006 Rev A, PM4528/007 Rev A, PM4528/011 Rev A, PM4528/011 Rev A.

Derbyshire County Council has confirmed that under Section 23 of the Land Drainage Act (1991) a Land Drainage Consent (LDC) will be required. Planning and LDC are separate processes and you are advised therefore to discuss the matters directly with Derbyshire County Council on obtaining a LDC, for information they advised that the level of detail will need to include the following as quoted from them:

“A method statement specific to the planned works to redirect the watercourse, create the pond and install the weir, detailing the schedule of works, making reference to PPG5 (Pollution Prevention Guidance) and contingency plans should inclement weather be expected.

I understand that a competent ecologist has supplied information regarding pond construction, planting information but some clarity would be needed as to whether the proposed weir is passable by fish and eels (for example).

As the proposals are to redirect and straighten the flow path of the watercourse this could increase its velocity, we would therefore ask for some confirmation that regrading (down cutting) at the point of exit off site will not occur.

Once we have validated an application we would then have confirmation of the number of structures (temporary or permanent) to be placed within the watercourse.”

As such the information which has been submitted to planning enables this condition to be discharged on the planning decision and the development shall be carried out in accordance with those details, any variation that may be required to the approved information for the purposes of obtaining the LDC may be subject to further planning consent such as an amendment to the scheme.

Therefore the information as submitted on application DOC/2015/0105 to discharge those conditions relating to HPK/2015/0105 is acceptable and those conditions are discharged as set out above, except Condition 22.

However, I must also remind you that an application is required for a non-material amendment and that all other conditions that require discharge must be undertaken to comply with the planning consent and approved plans. Further information is also required to be submitted in relation to the S106 agreement prior to the commencement of development and following three months of construction as set within the obligations.

I trust the above is self explanatory and if you require further information or clarification then please do not hesitate to contact us.

Yours sincerely

Karen Taylor
Planning Officer

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