

Mr Barker
Dew Pond Lane Tongue Lane Industrial Estate
Buxton
Derbyshire
SK17 7LF



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Mr Andrew Smith
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Mr Barker
Dew Pond Lane Tongue Lane Industrial
Estate
Buxton
Derbyshire
SK17 7LF

Application no: HPK/2016/0027

Determined on: 26/04/2016

**Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015**

FULL PERMISSION FOR DEVELOPMENT

This permission does not carry any approval or consent which may be required under any enactment, bylaw, order or regulation (e.g. in relation to Building Regulations or the Diversion of Footpaths etc) other than Section 57 of the Town and Country Planning Act, 1990 (as amended).

Location of Development:

Foxlow Grange Harpur Hill Road Harpur Hill Buxton Derbyshire SK17 9LU

Description of Development:

Proposed 3 New Detached Dwellings to Cleared Site to the rear of Foxlow Grange with
Access off Hereford Close

In pursuance of their power under the above mentioned Act, High Peak Borough Council Planning Authority, **HEREBY GRANTS PLANNING PERMISSION** for the development described above subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Dwg No. Site Location 01
Dwg No. Site Layout 01A
Dwg No. Site / DA 01A
Dwg No. Proposed Site 01
Dwg No. Ground Floor 01A
Dwg No. Elevations 04
Dwg No. Elevations 05
Dwg No. Elevations 06
Dwg No. First Floor 02A

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Attic Floor 03A

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

3. No development shall commence until samples of the materials to be used in the construction of external walls and roofs of the building, and hard surfaces have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in complete accordance with the approved materials.

Reason:- To ensure that the external appearance of the development is appropriate to its surroundings in accordance with Policy EQ5 of the High Peak Local Plan and the National Planning Policy Framework.

4. Prior to the first occupation of any of the dwellings hereby approved, all retaining walls within the site shall be finished in natural stone to face with coping stone over, in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason:- To ensure that the external appearance of the development is appropriate to its surroundings in accordance with Policy EQ5 of the High Peak Local Plan and the National Planning Policy Framework.

5. Before any operations are commenced, space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading / unloading and manoeuvring of goods vehicles, designed, laid out and constructed all as may be agreed with the Local Planning Authority in advance of construction work commencing and shall be maintained free from impediment throughout the duration of construction works.

Reason:- In the interests of highway safety, in accordance with Policy CF6 of the High Peak Local Plan and the National Planning Policy Framework.

6. The development hereby approved shall not be occupied until the on-site parking and turning spaces shown on the approved plans have been provided in accordance with the application drawings laid out and constructed and shall be maintained thereafter free from any impediment to their designated use.

Reason:- In the interests of highway safety, in accordance with Policy CF6 of the High Peak Local Plan and the National Planning Policy Framework.





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7. The access shall not be gated within 5m of the highway limits and where fitted any gates shall open into the site only unless otherwise agreed in writing by the Local Planning Authority.

Reason:- In the interests of highway safety, in accordance with Policy CF6 of the High Peak Local Plan and the National Planning Policy Framework.

8. Prior to the first occupation of the development hereby approved, adequate bin storage and a bin dwell area for use on refuse collection days shall be provided clear of the public highway, within the site clear of all access and parking and turning provision in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The bin storage and bin dwell area shall retained thereafter free from impediment to its designated use.

Reason:- In the interests of highway safety and the amenities of the area, in accordance with Policies CF6 and EQ5 of the High Peak Local Plan and the National Planning Policy Framework.

9. Within one month from the date of this permission and prior to commencement of development, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;
- (i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- (k) retained historic landscape features and proposed restoration, where relevant.

Reason:- To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features, in the interests of visual amenity, in accordance with Policy EQ5 of the High Peak Local Plan and the National Planning Policy Framework.

10. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season prior to the occupation of the dwelling(s) hereby





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approved. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, 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 otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason:- To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features, in the interests of visual amenity, in accordance with Policy EQ5 of the High Peak Local Plan and the National Planning Policy Framework.

11. 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 in accordance with the approved details before the dwellings are occupied or in accordance with a timetable which has first been agreed in writing with the Local Planning Authority.

Reason:- In the interest of visual amenity, in accordance with Policy EQ5 of the High Peak Saved Local Plan and the National Planning Policy Framework.

12. No development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access/driveways), incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

Reason:- To ensure that effective drainage facilities are provided for the proposed development in accordance with Policies EQ10 of the High Peak Local Plan and the National Planning Policy Framework.

13. Prior to the commencement of development a scheme for ecological enhancement on the site, including incorporation of roosting and nesting features for bats and birds, shall be submitted to and approved in writing by the Local planning Authority. Development shall take place in accordance with the approved scheme.

Reason:- In order to contribute positively to the overall biodiversity of the area in accordance with Policy EQ4 of the High Peak Local Plan and the National Planning Policy Framework.





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14. No construction/demolition work at the site shall take place outside the following hours:-

(i) 07:00 hours to 19:00 hours Mondays to Fridays.

(ii) 08:00 hours to 13:00 hours on Saturdays.

(iii) At any time on Sundays or Public Holidays except by agreement with the Local Planning Authority.

(iv) All deliveries to the site shall be limited to within the above hours.

(v) No piling shall take place outside the hours 09:00 hours to 16:00 hours Mondays to Fridays.

There shall be no visible dust emissions beyond the site boundary associated with construction/demolition works undertaken at the site.

Any equipment which needs to be operated outside the hours specified above shall be acoustically screened in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority. If piling is necessary a written method statement shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected in accordance with Policy EQ5 of the High Peak Local Plan and paragraph 17 of the National Planning Policy Framework.

15. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 1995 (as amended by The Town and Country Planning (General Permitted Development) Order 2015), or any Order revoking or re-enacting or amending that Order with or without modification, no development within Schedule 2 Part 1, Classes A-H shall take place on the dwelling house(s) hereby permitted or within their curtilages unless a further planning permission has first been granted on application to the Local Planning Authority.

Reason:- In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements, in accordance with Policy EQ5 of the High Peak Local Plan and the National Planning Policy Framework

Summary of reasons for granting planning permission

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

Informative

None.





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X *B.J. Haywood*

Signed by: Haywood, Ben

On behalf of High Peak Borough Council





NOTES

1. Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting the Councils Building Control Section.
2. 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 at Derbyshire County Council.
3. 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.
4. 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.
5. 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.
6. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
7. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority's decision then you must



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do so within 12 weeks of the date of this notice. All other types of development have a 6 month deadline for submission of appeals. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <https://www.gov.uk/appeal-planning-inspectorate#other-ways-to-apply>. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

8. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

