

Ms Curley  
P O Box 136  
Buxton  
Derbyshire  
SK17 6EL



# High Peak Borough Council

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Application no: HPK/2016/0082

Determined on: 11/05/2016

## **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:**

Land Adjacent Dinting Lane Industrial Lane Dinting Lane Dinting Glossop Derbyshire

#### **Description of Development:**

Variation of conditions 12 and 14 relating to HPK/2014/0304 to increase the size of the greenhouses/poly tunnels.

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 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.

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

2. Prior to commencement of development 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:





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- human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - 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'.

Reason:- To ensure that the site is developed in a safe manner in the interests of the amenity of the area, in accordance with Policy EQ6 of the High Peak Local Plan.

3. 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 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.

Reason:- To ensure that the site is developed in a safe manner in the interests of the amenity of the area, in accordance with Policy EQ6 of the High Peak Local Plan.

4. 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 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.

Reason:- To ensure that the site is developed in a safe manner in the interests of the amenity of the area, in accordance with Policy EQ6 of the High Peak Local Plan.

5. 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



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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 3, 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 4.

Reason:- To ensure that the site is developed in a safe manner in the interests of the amenity of the area, in accordance with Policy EQ6 of the High Peak Local Plan.

6. Before any other operations are commenced revised detailed designs shall be submitted to and approved in writing by the Local Planning Authority indicating the proposed access and car parking layouts together with a plan demonstrating the extent of the intervisible passing opportunity on Dinting Lane located between the access and existing residential properties to the south of the site. The development shall be carried out in accordance with the approved details.

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

7. Before any other operations are commenced the vehicular access shall be modified in accordance with the revised application drawings (the subject of Condition 6 above), laid out, constructed and provided with the approved exit visibility splays in either direction, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

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

8. The allotments, the subject of the application, shall not be taken into use until space has been provided within the application site in accordance with the revised application drawings (the subject of Condition 6 above) for the parking/ loading and unloading/ manoeuvring of visitors vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

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



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9. The allotments, the subject of the application, shall not be taken into use until the intervisible passing opportunity, in accordance with the revised application drawings (the subject of condition 6 above), has been laid out and constructed to the satisfaction of the Local Planning Authority in association with the local Highway Authority.

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

10. There shall be no gates or other barriers within 2.0m of the nearside highway boundary and any gates shall open inwards only.

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

11. The proposed allotments shall be used for domestic horticulture only, and shall not be used for any commercial or residential purpose, or for the keeping of livestock except chickens.

Reason:- To define the permission for the avoidance of doubt in the interests of amenity, in accordance with Policy EQ6 of the High Peak Local Plan.

12. Development shall be carried out in accordance with the restrictions listed in Approved Document, dated 03 February 2016, Appendix 2 - Management Agreement for Allotment Gardens operated by third parties (Rev A) and in accordance with the approved plans.

Reason:- For the avoidance of doubt and in the interests of proper planning.

13. The sheds or chicken coops hereby permitted shall be constructed of timber and finished in a dark green colour. Any shed or coop shall be limited to a maximum of 1 each on individual plots and shall not exceed 2m in height or exceed 3.2 square metres.

Reason:- For the avoidance of doubt and in the interests of visual amenity, in accordance with Policy EQ6 of the High Peak Local Plan.

14. The greenhouses or poly tunnels hereby permitted on the plots shall not exceed 1.8m x 2.4m and 1.8m in height. Greenhouses shall be constructed of timber, metal or plastic framed with plastic glazing.



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Reason:- For the avoidance of doubt and in the interests of visual amenity, in accordance with Policy EQ6 of the High Peak Local Plan.

15. The development shall be carried out in accordance with the approved Landscape Strategy dated 13/06/2014.

Reason:- For the avoidance of doubt and in the interests of proper planning.

16. All planting, seeding or turfing comprised in the approved Landscape Strategy 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.

Reason:- In the interests of visual amenity, in accordance with Policy EQ6 of the High Peak Local Plan.

17. The landscape buffer shown on approved plan 01 shall be planted within the first planting season available after the allotment site is first brought into use and shall be maintained for the life of the development.

Reason:- In order that the amenities enjoyed by the occupants of the adjacent dwellings shall not be injured, and in the interests of visual amenity in accordance with Policy EQ6 of the High Peak Local Plan.

18. Prior to the allotment site being first brought into use the boundary fence shown on approved plan 01 shall be constructed to a height of 1m and thereafter maintained for the life of the development.

Reason:- In order that the amenities enjoyed by the occupants of the adjacent dwellings shall not be injured, in accordance with Policy EQ6 of the High Peak Local Plan.

19. Prior to any operations commencing on site the details of the development and future management of the orchard area shall be submitted to and approved in writing by the Local Planning Authority. The orchard area shall be planted and maintained for the life of the



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development in accordance with the approved details.

Reason:- For the avoidance of doubt and in the interests of visual amenity, in accordance with Policies EQ5 and EQ6 of the High Peak Local Plan.

20. Prior to any operations commencing on site, a scheme providing details of the proposed phasing and implementation programme for each of the allotment blocks shown on the approved plan G1.121 dinting rev 13.06.14.cew and including the provision of the toilet block shall be submitted to and approved in writing by the Local Planning Authority. The allotment blocks and toilet shall be constructed and implemented in accordance with those approved details and timescales.

Reason:- For the avoidance of doubt and in the interests of amenity, in accordance with Policy EQ6 of the High Peak Local Plan.

21. The number of plots on the site shall be restricted to a maximum of 98.

Reason:- To define the permission for the avoidance of doubt in the interests of amenity, in accordance with Policy EQ6 of the High Peak Local Plan.

22. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan G1.121 dinting rev.13.06.14.cew, 01, 02, 03, 04.

Reason:- For the avoidance of doubt and in the interests of proper planning.

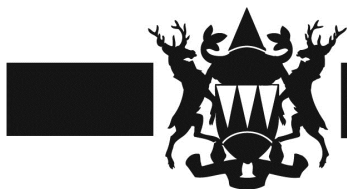
### **Summary of reasons for granting planning permission**

This is considered to be a sustainable form of development and so complies with the provisions of the NPPF.

### **Informatives**

Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 6 weeks prior notification should be given to the Strategic Director of Economy, Transport and Environment at County Hall, Matlock (tel: 01629 538537) before any works commence on the vehicular access within highway limits.

The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the



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event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users the Authority reserves the right to take any necessary action against the landowner.

Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

Pursuant to Section 278 of the Highways Act 1980, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from the Strategic Director of Economy, Transport and Environment at County Hall, Matlock (tel: 01629 538578). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

The application site is affected by Public Rights of Way (Footpath numbers 62, 63, 64 and 140 Glossop on the Derbyshire Definitive Map). These routes must remain unobstructed on their legal alignment at all times and the safety of the public using them 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 Strategic Director of Economy, Transport and Environment at County Hall, Matlock (tel: 01529 580000 and ask for the Rights of Way Officer).

Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council for Highway, Developer and Street Works. Works that involve road closures and / or are for a duration of more than 11 days require a three months notice. Developer's Works will generally require a three months notice. Developers and Utilities (for associated services) should prepare programmes for all works that are required for the development by all parties such that these can be approved through the coordination, noticing and licensing processes. This will require utilities and developers to work to agreed programmes and booked slots for each part of the works. Developers considering all scales of development are advised to enter into dialogue with Derbyshire County Council's Highway Noticing Section at the earliest stage possible and this includes prior to final planning consents.

The public right of way routes must remain open, unobstructed and on its legal alignment at all times. A 5 metre corridor, centred on the footpaths, should not be planted with trees in the Orchard area, as any trees encroaching on the public footpath would be treated as an obstruction and need removing. There should be no disturbance to the surface of the path without prior authorization from Rob Greatorex, the Rights of Way Inspector for the area. Consideration should be given to members of the public using the path at all times. A temporary closure of the footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information may be obtained by contacting the Rights of Way Section.







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Alterations to land levels adjacent to the path arising due to the creation of level allotment space must not affect the hydrology of the site. This could in turn have an adverse impact on the public right of way. The applicant should discuss with Rob Greateorex, the Rights of Way Inspector for the area. As the change in use is likely to increase the number of people using the footpaths DCC would like to see improvements made to the surfacing of the footpaths, particularly where the footpaths traverse the sloping land. The applicant is advised to discuss any proposals with the Rights of Way Inspector, Rob Greateorex. If a structure is to be erected adjacent to the public footpath, it should be installed within the site boundary so that the width of the right of way is not encroached upon.

X *B.J. Haywood*

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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](http://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.