

Mrs Smith  
BDW Trading  
4 Brindley Road  
Manchester  
Lancashire  
M16 9HQ



# High Peak Borough Council

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Application no: HPK/2015/0513

Determined on: 20/05/2016

## 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 Off Burrfield Road And Hayfield Road Chapel-En-Le-Frith Derbyshire

#### Description of Development:

Proposed amendment to layout of plots 60 - 63 & 71 (7 no. plots) replacing with 60 - 63, 71 - 73 & 165 - 170 (13 no. plots). Single garages on plots 80 & 81 moved forward 2 metres due to an existing retaining wall obstruction. Plots 66 - 68 moved forward less than 1 metre to allow for replan.

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: 429/P/HLL/01 Rev A, 429/P1/BTL/01 Rev J, C-1086-01, C-1086-02 Rev B, C-1086-03 Rev A, C-1086-04, 2010/BAR/C/01 Rev B, 2010/BAR/C/02 Rev A, 429/ED/02 Rev T, 2010/HEL/C/01 Rev D, 2010/BAM/C/01 Rev C, 2010/HEL/C/09 Rev D, 429/ED/20 Rev B, 429/ED/19 Rev E, 429/P/PL01 Rev R (A), 429/P/RSL/01 Rev D, 2010/DET/CS/135, 429/P/WF/01 Rev A, 2629/100.





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

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be Forticrete Black Old Weathered Anstone Split Finish (random course) stone and for the roof Russell Grampian Tile in Anthracite, all other external surfaces shall match the existing development as approved under HPK/2014/0561 in their colour, form and texture unless otherwise agreed in writing with the Local Planning Authority.

Reason:- To ensure that the external appearance of the development is appropriate to its surroundings in accordance with Policy EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

4. Prior to the commencement of development, 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 shall be submitted and agreed in writing by 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 development can be carried out safely without unacceptable risks in accordance with Policy EQ10 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

5. 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 development can be carried out safely without unacceptable risks in accordance with Policy EQ10 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

6. 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



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must be undertaken in accordance with the requirements of condition 4, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 4, 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 5.

Reason:- To ensure that the development can be carried out safely without unacceptable risks in accordance with Policy EQ10 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

7. If piling is necessary a written method statement shall be submitted to the Local Planning Authority. This method statement should be inline with Environment Agency guidance (Environment Agency (2001), Piling and Penetrative Ground Improvements on Land Affected by Land Contamination NC/99/73). No piling shall take place until the method statement has been approved.

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

Reason:- To ensure that the development can be carried out safely without unacceptable risks and in the interests of amenity in accordance with Policy EQ10 and EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

8. There shall be no visible dust emissions beyond the site boundary associated with construction/demolition works undertaken at the site. In controlling dust on site, the contractor shall have due regard to the Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456).

Reason:- To ensure that the development can be carried out safely without unacceptable risks and in the interests of amenity in accordance with Policy EQ10 and EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

9. Before the development hereby permitted commences the applicant must either:
  - i. Submit an appropriate scheme detailing the methods to be applied to prevent the release of asbestos fibres into the air. This scheme shall be approved by the Local Planning Authority and include air monitoring on the boundary of relevant works to verify that the methods are working.
  - OR
  - ii. Undertake the development works in line with the Dust Management Plan (Smith Grant Report "Federal Mogul, Hayfield Road, Chapel en le Frith: Dust Monitoring & Management Plan, & Method Statement for Handling and Use of Asbestos Impacted Materials", ref: R1943-R01 Final V2, dated 12th November 2013) submitted in regard to HPK/2014/0408.





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Development must not be commenced until the scheme has been approved in writing. The approved scheme shall be implemented throughout the life of the development hereby approved.

Reason:- To ensure that the development can be carried out safely without unacceptable risks and in the interests of amenity in accordance with Policy EQ10 and EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

10. 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 16:00 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.

Any equipment which needs to be operated outside the hours specified above shall be acoustically screened in accordance with a scheme to be agreed with the Local Planning Authority.

Reason:- In the interests of amenity, in accordance with Policy EQ6 of the High Peak Local Plan 2016.

11. A scheme of noise control as outlined in WSP Report, "Addendum Noise and Air Quality/Odour Assessment for Re-Plan Proposal" (ref: 62002148-001, dated 11th December 2015), shall be fully implemented and any elements on which the report depends e.g. bunds and associated acoustic screening, shall be maintained during the life of the development.

Reason:- To ensure that the development can be carried out safely without unacceptable risks and in the interests of amenity in accordance with Policy EQ10 and EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

12. No dwelling shall be occupied (except those accessed only from Burrfields Road) until the proposed new estate streets between the respective dwelling/plot and the existing public highway has been laid out in accordance with the approved plans conforming to the Local Highway Authority's current design guide for new residential roads, constructed to base level, drained and lit.

Reason:- In the interests of highway safety, in accordance with Policy CF6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

13. No dwelling shall be occupied (except those accessed only from Burrfields Road) until a new vehicular access for the dwelling/plot has been created to the new estate street in accordance with the approved layout, laid out, constructed and provided with visibility splays in each direction. The area in advance of the sightlines within the plot



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shall be maintained throughout the life of the development clear of any object greater than 1 metre 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 2016 and the National Planning Policy Framework.

14. All hard and soft landscape works shall be carried out in accordance with the approved plans. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the Local Planning Authority.

Reason:- In the interest of visual amenity, in accordance with Policy EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

15. The development shall be carried out in accordance with the submitted Arboricultural Report dated November 2015 (acs consulting) and plan no. 2629/100 unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To protect the health and amenity of the trees in accordance with Policy EQ9 of the High Peak Local Plan 2016 and paragraph 118 of the National Planning Policy Framework.

16. All planting, seeding or turfing comprised in the approved landscaping works 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 phase, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the relevant phase of development 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 interest of visual amenity, in accordance with Policy EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

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.

Reason:- To protect the health and amenity of the trees in accordance with Policy EQ9 of the High Peak Local Plan 2016 and paragraph 118 of the National Planning Policy Framework.



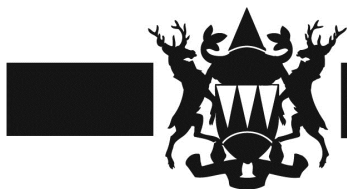
18. a) All tree felling and pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works.
- b) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
- c) No fires should be lit within 6m of the furthest extent of the canopy of any tree or tree group to be retained as part of the approved 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.
- e) No development or other operations shall take place except in complete accordance with the approved protection scheme and Arboricultural Method Statement.

Reason:- To protect the health and amenity of the trees in accordance with Policy EQ9 of the High Peak Local Plan 2016 and paragraph 118 of the National Planning Policy Framework.

19. Within 28 days from the date of this decision a Woodland Habitat Management and Enhancement Plan relating to the retained woodland area which adjoins the approved development shall be submitted to the Local Planning Authority. The plan shall be approved in writing by the Local Planning Authority and shall include the following details;
- a) Planting proposals to increase the diversity of the site via the planting of a mixture of suitable native standard trees;
- b) Enhancing the shrub layer via removal of invasive and no-native species (including Rhododendron and Snowberry) and the planting of suitable small trees and shrubs; and
- c) Enhancing understory vegetation and promoting woodland herb cover within the retained woodland.

Reason:- In the interests the effective management of the woodland in the interests of the environmental and ecological quality of the locality, in accordance with Policies EQ6 and EQ9 of the High Peak Local Plan 2016.

20. Within 28 days of the date of this decision, details of the provision for bat habitats for the dwellings hereby approved and should include details of all provisions for each of the phases shall be submitted to the Local Planning Authority. The details shall be approved in writing by the Local Planning Authority and shall include the provision of bat bricks/tubes installed in selected dwellings (6no. across all phases); 4no. bat boxes provided within the retained woodland area, and a phased implementation schedule. The development shall be carried out in accordance with the approved



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details and for each phase.

Reason:- In the interests the effective management of the woodland in the interests of the environmental and ecological quality of the locality and in the interests of residential amenity, in accordance with Policies EQ5, EQ6 and EQ9 of the High Peak Local Plan 2016.

## **Informative**

The Local Planning Authority has sought to work with the applicant in a positive and proactive way to secure a development that will improve the economic, social and environmental conditions of the area, in line with the NPPF.

1. This permission shall be read in conjunction with an Agreement made under Section 106 of The Town and Country Planning Act, 1990 and dated the 26/02/2014 and variation dated 19/05/2016.
2. Any alterations to the submitted and approved plans, brought about by compliance with Building Regulations 2010 or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

X 

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Signed by: Jane Colley

**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.