

Mr John Coxon  
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Hobson Street  
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SK11 8BS





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Loxley Homes  
Manor Street Works Manor Street  
Manchester  
M34 5JG

Application no: HPK/2015/0692

Determined on: 09/09/2016

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

## **GRANT OF OUTLINE PLANNING PERMISSION**

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.

### **Location of Development:**

Land North Of Dinting Road Glossop Derbyshire

### **Description of Development:**

Proposed Outline Planning Permission with some Matters Reserved for Residential Development for up to 113 Dwellings

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

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters.

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

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and thereafter the development shall only be carried out in accordance with the details as approved.

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

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3. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced and thereafter the development shall only be carried out in accordance with the details as approved.

Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and Articles 4 and 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

4. The development hereby approved shall be carried out in accordance with the following approved drawings and documents

- 1832/04 – Tree Survey
- NS/WB/12155/TA/0 – Transport Assessment
- WB/15113 - Transport Assessment updated
- WMP2-8166-JC-CP – Waste Management Plan
- Location Plan 1832\_06

The reserved matters application(s) shall follow the general parameters of layout, scale, appearance and landscape set out in the Design and Access Statement and illustrated on:

- 613-SKL-12 – Indicative Layout including LEAP
- 613-CPP-01 – Controlling Parameters – includes access/layout/ footpaths etc

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

5. Prior to commencement of development a scheme outlining the phasing of development, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing scheme.

Reason:- To secure the programming and phasing of, and an orderly pattern to the development, in accordance with Policies H1, H3 and H4 (of the High Peak Local Plan Policies 2016 and paragraph(s) of the National Planning Policy Framework.

6. The development hereby permitted shall not be commenced until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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 Policies 2016 and the National Planning Policy Framework.



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7. No development shall take place until a detailed design and associated management and maintenance plan of sustainable surface water drainage for the site including prevention of highway surface water run off, in accordance with Defra Non-statutory technical standards for sustainable drainage systems, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- i) a timetable for its implementation; and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.
- iii) a reasonable assessment of the existing ordinary watercourse within the curtilage of the developable zone, identified to be the point of surface water drainage discharge.

No dwelling hereby permitted shall be occupied until the scheme has been implemented in accordance with the approved details and with the timing/phasing arrangements embodied within the scheme.

Reason:- To ensure that the principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems is provided to the LPA..

8. No development shall take place until a scheme for the foul drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason:- To ensure a satisfactory standard of drainage and in the interests of the amenities of the area, in accordance with Policy EQ10 of the High Peak Local Plan Policies 2016.

9. No development shall take place until a scheme for the provision of an undeveloped buffer zone alongside the watercourse has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) Plans showing the extent of the buffer;
- b) Details of planting;
- c) A management plan showing how the buffer zone shall be protected during development and maintained and protected after completion.

The development shall be carried out in accordance with the approved scheme and buffer zone shall thereafter be managed and maintained in accordance with the approved management plan.

Reason:- To ensure a satisfactory standard of drainage and in the interests of the amenities including biodiversity of the area, in accordance with Policies EQ6, EQ5 and EQ10 of the High Peak Local Plan Policies 2016.



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10. No operations shall commence on site in connection with the development hereby approved (including demolition works, tree works, fires, 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 (AMS) in accordance with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations has been submitted to and approved in writing by the Local Planning Authority and the protective fencing is erected as required by the AMS. The development shall be carried out in accordance with the approved details.

The AMS shall include full details of the following:

- a) Timing and phasing of Arboricultural works in relation to the approved development.
  - b) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works.
  - c) Details of a tree protection scheme in accordance with BS5837:2012: which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are shown to be retained on the approved plan and trees which are the subject of any Tree Preservation Order.
  - d) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme
  - e) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order, 1995 (as amended by The Town and Country Planning (General Permitted Development) Order 2015), no services shall be dug or laid into the ground other than in accordance with the approved details.
  - f) Details of any changes in ground level, including existing and proposed spot levels required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme.
  - g) Details of any vehicular drives, parking areas and other hard surfacing within the root protection area (as defined by BS5837:2012). The design and construction must in accordance with the recommendations of BS5837:2012. Include details of existing ground levels, proposed levels and depth of excavation.
  - h) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the arboricultural method statement.
- Reason:- To protect the health and amenity of the trees in accordance with Policy EQ9 of the High Peak Local Plan Policies 2016 and paragraph 118 of the National Planning Policy Framework.

11. 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



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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 Policies 2016 and paragraph 118 of the National Planning Policy Framework.

12. No development shall take place until a schedule of landscape maintenance for a minimum period of five years and a scheme of phasing of landscaping has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule and any landscaping shall be carried out in the first planting and seeding season following occupation of the building(s) or the completion of the development, whichever is the sooner within that particular phase; 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.

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 EQ6 of the High Peak Local Plan Policies 2016 and the National Planning Policy Framework.

13. No development shall commence until a detailed scheme including the full specification, maintenance and timescales for the Locally Equipped Area for Play (LEAP) to be provided within the site shall be submitted to and approved in writing by the Local Planning Authority. The LEAP shall be in accordance with the document "The Requirements of a Locally Equipped Area for Play". The development shall be carried out in accordance with the approved details.

Reason:- To ensure a satisfactory landscaped setting in the interests of amenity and to enable the provision of the on site play contribution for the development in accordance with Policy EQ6 and CF4 of the High Peak Local Plan Policies 2016 and the National Planning Policy Framework.

14. 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, this shall include details of any boundary treatments which are on land adjacent to the railway. The boundary treatment shall be completed before the building(s) are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:- In the interest of visual amenity, in accordance with Policies EQ6 and EQ10 of the High Peak Local Plan Policies 2016 and the National Planning Policy Framework.



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15. No development shall commence until full details of scheme for mitigation of noise and vibration from the railway line for future occupiers of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall remain in force for the lifetime 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 Policies 2016 and Paragraph 17 of the National Planning Policy Framework.

16. Notwithstanding the details already submitted, no development shall commence until a further investigation and risk assessment, is 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:

- 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks in accordance with Policies EQ6 and EQ10 of the High Peak Local Plan Policies 2016 and the National Planning Policy Framework.

17. 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 prior to development commencing. 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.





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Reason:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks in accordance with Policies EQ6 and EQ10 of the High Peak Local Plan Policies 2016 and the National Planning Policy Framework.

18. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development other than formation of the highway access or that required to carry out remediation itself, 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 in PPS23 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks in accordance with Policies EQ6 and EQ10 of the High Peak Local Plan Policies 2016 and the National Planning Policy Framework.

19. 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 accordance with the requirements of condition 16, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 17, 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 18.

Reason:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks in accordance with Policies EQ6 and EQ10 of the High Peak Local Plan Policies 2016 and the National Planning Policy Framework.

20. No top soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development, a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validity evidence submitted to and approved in writing to by the Local Planning Authority.



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Reason:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks in accordance with Policies EQ6 and EQ10 of the High Peak Local Plan Policies 2016 and the National Planning Policy Framework.

21. 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:

- 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, including monitoring arrangements. 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)g) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason:- In the interests of highway safety and amenities of the area, in accordance with Policy CF4 and EQ6 of the High Peak Local Plan Policies 2016 and the National Planning Policy Framework.

22. 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 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 Policies 2016 and Paragraph 17 of the National Planning Policy Framework.

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



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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 Policies 2016 and Paragraph 17 of the National Planning Policy Framework.

24. Prior to the commencement of any works that may affect common toads or other amphibians within the application boundary and/or their habitat during the operational phase of the proposed works, a detailed mitigation and monitoring strategy should be submitted to and approved in writing by the Local Planning Authority. All works should then proceed in accordance with the approved details and the conditions of any licence, if required, with any amendments agreed in writing.

Reason:- To provide adequate safeguards for the protection of any protected species existing on the site, in accordance with Policy EQ5 of the High Peak Local Plan Policies 2016 and paragraph 17 and Section 11 of the National Planning Policy Framework.

25. No development shall take place until measures to protect badgers from being trapped in open excavations and/or pipe and culverts is submitted to and approved in writing by the local planning authority. The measures shall include:

- Creation of sloping escape ramps for badgers which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day
- Open pipe-work larger than 150 mm outside diameter should be blanked off at the end of each working day. The development shall be carried out in accordance with the approved details.

Reason:- To provide adequate safeguards for the protection of any protected species existing on the site, in accordance with Policy EQ5 of the High Peak Local Plan Policies 2016 and paragraph 17 and Section 11 of the National Planning Policy Framework.

26. Prior development commencing an external lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved mitigation strategy.

Reason:- To provide adequate safeguards for the protection of any protected species existing on the site, in accordance with Policy EQ5 of the High Peak Local Plan Policies 2016 and paragraph 17 and Section 11 of the National Planning Policy Framework.

27. No tree/shrub clearance work shall be carried out between 1 March and 31 August inclusive in any year, unless the site has been surveyed in advance for breeding birds and a scheme to protect breeding birds has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason:- To provide adequate safeguards for the protection of any protected species existing on the site, in accordance with Policy EQ5 of the High Peak Local Plan Policies 2016 and paragraph 17 and Section 11 of the National Planning Policy Framework.

28. No development shall commence until full details of the location, specifications and timescales of the bird boxes to be erected within the site have been submitted to and approved



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in writing by the Local Planning Authority. The bird boxes shall be erected in accordance with the approved details.

Reason:- To provide adequate safeguards for the protection of any protected species existing on the site, in accordance with Policy EQ5 of the High Peak Local Plan Policies 2016 and paragraph 17 and Section 11 of the National Planning Policy Framework.

29. The development shall be carried out in strict accordance with the submitted mitigation scheme and method statements to provide appropriate mitigation detailed in the Ecological Reports: Bat Survey Report (SE0714-03/I/02a/JD) and Preliminary Ecological Survey (SE0714-03/I/01/JD), Reptile Survey Report (SE0714-03/1/003a/DH).

Reason:- To provide adequate safeguards for the protection of any protected species existing on the site, in accordance with Policy EQ5 of the High Peak Local Plan Policies 2016 and paragraph 17 and Section 11 of the National Planning Policy Framework.

30. No development shall commenced until a detailed Landscape and Ecological Mitigation and Management Plan for all retained habitats within the development site has been submitted to and approved in writing by the Local Planning Authority as part of any reserved matters application. The plan should incorporate the details provided in the ecological appraisals and the content of the plan should include the following:

- a) Description and evaluation of features to be managed / enhanced or created. This should include:-
  - i. Management of northern and eastern boundaries
  - ii. Management and maintenance of pond, ditch and open space
  - iii. Hedgerow and tree management and enhancement
  - iv. Bird boxes
  - v. Bat boxes
  - vi. Toad crossings/ kerbs
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options and methods for achieving aims and objectives.
- e) Timescales
- f) Prescriptions for management actions.
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- h) Details of the body or organisation responsible for implementation of the plan.
- i) Ongoing monitoring and remedial measures.
- j) details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured as by the developer with the management body(ies) responsible for its delivery
- k) Details where the results from monitoring show that conservation aims and objectives of the plan are not being met, how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.



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The approved plan will be implemented in accordance with the approved details and for the lifetime of the development, unless otherwise agreed in writing with the Local Planning Authority.

Reason:- To provide adequate safeguards for the protection of any protected species existing on the site, in accordance with Policy EQ5 of the High Peak Local Plan Policies 2016 and paragraph 17 and Section 11 of the National Planning Policy Framework.

31. Unless otherwise approved in writing by the Local Planning Authority, the development shall not be commenced until a detailed scheme of highway improvement works for the provision of a footway/ verge margin and associate safe pedestrian crossing points, together with a programme for the implementation and completion of the works has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the required highway improvement works have been constructed in accordance with the approved details. For the avoidance of doubt the developer will be required to enter into a 1980 Highways Act S278 Agreement with the Highway Authority in order to comply with the requirements of this Condition.

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

32. No development shall take place until construction details of the residential estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) have been submitted to and approved 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 Policies 2016 and the National Planning Policy Framework.

33. No dwelling hereby permitted shall be occupied until the new estate streets between each respective plot and the existing public highways have been constructed in accordance with the details approved as part of any reserved matters application. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling, 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 Policies 2016 and the National Planning Policy Framework.

34. Before any development is commenced a new junction shall be formed to Dinting Road and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 64 metres and



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46. metres to the right and left when exiting respectively measured along the nearside carriageway edge in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The area in advance of the visibility sightlines being levelled, forming part of the new street constructed as footway and not forming part of any plot or other sub-division of the site.

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

35. The dwellings, the subject of the application, shall not be occupied until space has been provided within the site curtilage for the parking/ loading and unloading/ manoeuvring of residents/ visitors/ service and delivery vehicles, located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority 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 Policies 2016 and the National Planning Policy Framework.

36. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the garage/car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging/ parking of private motor vehicles associated with the residential occupation of the property without the grant of further specific planning permission from the Local Planning Authority.

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

37. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

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

38. The Approved Travel Plan shall be implemented in accordance with the timescales specified therein, to include those parts identified as being implemented prior to occupation and following occupation, unless alternative timescales are agreed in writing with the Local Planning Authority. The Approved Travel Plan shall be monitored and reviewed in accordance with the agreed Travel Plan targets.

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



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39. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an Agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

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

40. No development shall take place until a scheme to relocate and upgrade 2no. bus stops on Dinting Road has been submitted and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be occupied until the bus stops have been relocated and upgraded in accordance with the approved scheme.

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

41. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing set out in the Glossary to the National Planning Policy Framework. The scheme shall include:

- i) The numbers, type, and location on the site of the affordable housing provision which shall consist of not less than 30% of the dwellings. The tenure shall be split 80% social rented or affordable rented and 20% shared ownership and the dwellings shall be 'pepper-potted' across the site.
- ii) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing. No more than 80% of the open market dwellings shall be occupied before the affordable housing is completed and available for occupation.
- iii) The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved.
- iv) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing.
- v) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason:- To ensure adequate provision of affordable housing in accordance with Policies S3, H1, H3, H4, CF7 and EQ6 of the High Peak Local Plan Policies 2016 the National Planning Policy Framework.

42. 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





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or amending that Order with or without modification, no development within Schedule 2 Part 1, Classes A-H shall take place on any dwelling house(s) identified as affordable housing in the scheme submitted pursuant to the above condition or within their curtilages.

Reason:- To ensure adequate provision of affordable housing in accordance with Policies S3, H1, H3, H4, CF7 and EQ6 of the High Peak Local Plan Policies 216 the National Planning Policy Framework.

### **Informative**

#### **1. Advisory Notes (Non Conditions) DCC Flood Risk Team:**

The County Council do not adopt any private SuDS schemes. As such, it should be confirmed prior to commencement of works which organisation will be responsible for SuDS maintenance once the development is completed.

Any works in or nearby to an ordinary watercourse require consent under the Land Drainage Act (1991) from the County Council (e.g. an outfall that encroaches into the profile of the watercourse, etc) to make an application for any works please contact [Flood.Team@derbyshire.gov.uk](mailto:Flood.Team@derbyshire.gov.uk).

The applicant should ensure there is a sufficient buffer strip in place which will allow for efficient maintenance to take place. We would recommend an easement of approximately 3m if any linear feature is less than 2m in width and 4.5m for linear features over 2m in width. Whilst this is not stipulated within any legal byelaw the County Council would recommend these distances in order to safeguard access for essential maintenance and inspection purposes.

The applicant should demonstrate, to the satisfaction of the LPA, the appropriate level of treatment stages from the resultant surface water in line with Table 3.3 of the CIRIA SuDS Manual C697. This type of development usually requires >2 treatment stages before outfall into surface water body/system which may help towards attainment of the downstream receiving watercourse's Water Framework Directive good ecological status.

To ensure adherence to DEFRA's Non-statutory technical standards for sustainable drainage systems these recommended conditions should not be altered without consulting the County Council Flood Risk Management Team.

To discharge the condition the applicant should ensure all of the below parameters have been satisfied:

1. The production and submission of a scheme design demonstrating full compliance with DEFRA's Non-statutory technical standards for sustainable drainage systems:

- Limiting the discharge rate and storing the excess surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical duration rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site to comply with S2 & S3.
- Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm to comply with S7 & S8.
- Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
- Details of how the on-site surface water drainage systems shall be maintained and managed





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after completion and for the lifetime of the development to ensure the features remain functional.

- Production of a plan showing above ground flood pathways where relevant for events in excess of 1 in 100 year rainfall event to comply with S9.
- Where reasonable practicable demonstrate that the runoff volume of the site reflects the requirements of S4.

2. Submission of an appropriate survey of the ordinary watercourse identified to be the point of surface water discharge.

The County Council holds a suite of information that can inform site development across Derbyshire. The information within this document has been interpreted and provided by an officer from the Flood Risk Management Team.

- Historical data has been collated from a range of sources and is anecdotal. The provision of this data is suggested to act as a guide only.
- Fluvial data has been provided by the Environment Agency however the applicant is advised to contact the Environment Agency for further information should the site lie within the floodplain of a Main River.
- The County Council hold BGS data under a licenced agreement and therefore are not licenced to reproduce this information into the public domain.
- The County Council have modelled surface water flooding for the whole of Derbyshire. The model output gives an indication of the broad areas likely to be at risk of surface water flooding and is intended to act as a guide only and cannot be used to identify specific properties at risk.
- Further information regarding the WFD, ecology and biodiversity should be obtained from the Environment Agency and Natural England.

3. The Applicant should be aware of the designated PROW:

- The route must remain open, unobstructed and on its legal alignment at all times.
- There should be no disturbance to the surface of the path without prior authorisation from Mark Atherton, 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 Di Clarke (01629 539781) in the Rights of Way Section.
- 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.

4. The attention of the applicant is drawn to the contents of the letter attached to the planning application from Derbyshire Wildlife Trust dated 5th February 2016.

5. a. The Highway Authority recommends that the first 6m of the proposed access driveways should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the 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.

b. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down

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towards the public highway/ new estate streets 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 gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

c. 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 538658). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 278 Agreement.

d. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director of Economy Transport and Environment at County Hall, Matlock (tel: 01629 538578).

e. Highway surface water shall be disposed of via a positive, gravity fed system (ie; not pumped) discharging to an approved point of outfall (eg; existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soakaways for highway purposes is generally not sanctioned.

f. 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.

g. The application site is affected by a Public Right of Way (Footpath number 201 Glossop on the Derbyshire Definitive Map). 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 Strategic Director of Economy Transport and Environment at County Hall, Matlock (tel: 01629 539781 and ask for the Rights of Way Officer).

h. Car parking provision should be made on the basis of 1.5no., 2no. or 3no. parking spaces per 1 bedroom, 2/3 bedroom or 4/4+ bedroom dwelling respectively. Each parking bay should measure 2.4m x 5.5m (2.4m x 6.5m where in front of garage doors) and be provided clear of any areas dedicated to manoeuvring of vehicles.

i. 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



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includes prior to final planning consents.

j. The applicant is advised that to discharge the above conditions that the Local Planning Authority requires a copy of a completed Agreement between the applicant and the Local Highway Authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

6. The attention of the applicant is drawn to the contents of the letter attached to the planning application from Network Rail dated 18th February 2016.

7. 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 28th July 2016.

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 187 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

X 

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Signed by: Jane Colley

**On behalf of High Peak Borough Council**



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## 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 do so within 12 weeks of the date of this notice. All other types of development



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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 [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs). 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.
9. Developers should also be aware of the provisions of the Gas Safety Regulations 1972 and Gas Safety (Installation and Use) Regulations 1984. It is possible that the existing gas service pipe which lies within the area of the proposed extension of alterations which will contravene the provisions of these Regulations. It is necessary that you contact British Gas, North West House, Gould Street, Manchester, M4 4DJ, who will advise if the existing gas service pipe requires alterations.

