

Mr Howe  
Manor House  
off Mainsfield Road  
Chesterfield  
S41 0JG





**High Peak Borough Council**

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David Prior  
David Prior Designs  
7 College Road  
Buxton  
Derbyshire

Mr Howe  
Manor House off Mainsfield Road  
Chesterfield  
S41 0JG

Application no: HPK/2016/0282

Determined on: 16/09/2016

**TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING AND COMPENSATION ACT 1991  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)  
(ENGLAND) ORDER 2010**

**GRANT OF LISTED BUILDING CONSENT**

This consent does not carry any approval or consent which may be required under any enactment, order or regulation other than Section 8 of the Planning (Listed Building and Conservation Areas) Act 1990.

**Location of Development:**

11 Bryants Arcade Eagle Parade Buxton Derbyshire SK17 6EQ

**Description of Development:**

Listed Building Consent for new boundary wall, fence, sliding gate and metal gates

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

1.The works hereby granted listed building consent shall be begun before the expiration of three years from the date of this consent.

Reason:- To comply with the requirements of Section 91(1) of The Town and Country Planning Act 1990 as amended by 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: 421-04A, 421-03, 421-02 and the Location Plan.

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





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3.No works shall commence until detailed drawings at a scale of no less than 1:20, of the electronic gates have been submitted to and agreed in writing by the Local Planning Authority. The work shall be completed in strict accordance with the agreed details.

Reason:- To preserve the setting and architectural and historical integrity of the listed building and preserve the character and appearance of the conservation area in accordance with Policies EQ6 and EQ7 of the High Peak Local Plan 2016 and section 12 of the National Planning Policy Framework.

4.No works shall commence until details drawings of the railings, including the fixings and upright sections and the finished colour, have been submitted to and agreed in writing by the Local Planning Authority. The work shall be completed in strict accordance with the agreed details.

Reason:- To preserve the setting and architectural and historical integrity of the listed building and preserve the character and appearance of the conservation area or both in accordance with Policies EQ6 and EQ7 of the High Peak Local Plan 2016 and section 12 of the National Planning Policy Framework.

5.No works shall commence until samples of the materials to be used on all the external surfaces of the works hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. The work shall be completed in strict accordance with the agreed details.

Reason:- To preserve the setting and architectural and historical integrity of the listed building and preserve the character and appearance of the conservation area in accordance with Policies EQ6 and EQ7 of the High Peak Local Plan 2016 and paragraph 12 of the National Planning Policy Framework.

**Informative**

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Signed by: Jane Colley

**On behalf of High Peak Borough Council**

P O Box 136 Buxton SK17 1AQ  
Phone 0845 129 77 77 or 01298 28400 Fax 01298 27639 Minicom 0845 129 48 76  
E-mail [customer-services@highpeak.gov.uk](mailto:customer-services@highpeak.gov.uk) Website [www.highpeak.gov.uk](http://www.highpeak.gov.uk)  
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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.



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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 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.
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.

