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# High Peak Borough Council

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Mr Sexton  
449 Middleton Road  
Oldham  
OL9 9LB

Application no: HPK/2016/0455

Determined on: 4<sup>th</sup> November 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 Shepley Street, Glossop, Derbyshire, SK13 7RZ

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

Application to vary condition 7 (windows) relating to HPK/2013/0056 - Proposed demolition of existing industrial premises, erection of 44 dwellings with associated parking & landscaping & new car park for the Firth Rixson Superalloys Facility

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 carried out in accordance with the following approved plans: -

#### **SITE:**

1948-BR.SP.01.Rev.G  
1948-BR.SP.02.Rev.G  
1948-HL.01.Rev.G

#### **BLOCK PLANS:**

1948-BLK-01-1\_REV.A  
1948-BLK-01-2\_REV.A  
1948-BLK-01-3\_REV.A





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1948-BLK-02-1\_REV.A  
1948-BLK-02-2\_REV.A  
1948-BLK-02-3\_REV.A

1948-BLK-03-1\_REV.A  
1948-BLK-03-2\_REV.A  
1948-BLK-03-3\_REV.A

1948-BLK-04-1\_REV.A  
1948-BLK-04-2\_REV.A  
1948-BLK-04-3\_REV.A

1948-BLK-05-1\_REV.A  
1948-BLK-05-2\_REV.A  
1948-BLK-05-3\_REV.A

1948-BLK-06-1\_REV.A  
1948-BLK-06-2\_REV.A  
1948-BLK-06-3\_REV.A

1948-BLK-07-1\_REV.A  
1948-BLK-07-2\_REV.A  
1948-BLK-07-3\_REV.A

1948-BLK-08-1\_REV.A  
1948-BLK-08-2\_REV.A  
1948-BLK-08-3\_REV.A

1948-BLK-09-1\_REV.A  
1948-BLK-09-2\_REV.A  
1948-BLK-09-3\_REV.A

1948-BLK-10-1\_REV.B  
1948-BLK-10-2\_REV.A  
1948-BLK-10-3\_REV.A

## **BLOCK ELEVATIONS:**

BLK-01-4\_REV.B  
BLK-02-4\_REV.B  
BLK-03-4\_REV.B  
BLK-04-4\_REV.B  
BLK-05-4\_REV.B  
BLK-06-4\_REV.B  
BLK-07-4\_REV.B  
BLK-08-4\_REV.B  
BLK-09-4\_REV.B  
BLK-10-4\_REV.C





**HOUSE TYPE PACKS:**

1948-ALS\_REV.B  
1948-ASH\_REV.B  
1948-BOW\_REV.B  
1948-BRI\_REV.B  
1948-CAR\_REV.C  
1948-CAR1\_REV.B  
1948-CAR A\_REV.A  
1948-CAR B\_REV.B  
1948-EDE\_REV.B  
1948-SHE\_REV.B

**And:**

1216-OS  
1948.BD.05  
1948.BD.10  
"Rekhau Profile"  
"Veka Profile"  
1126-902 B

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

2. The materials of external construction shall be natural gritstone to the walls. The roofing material shall be either natural blue slate or rivius concrete slate effect tile. The development shall be completed strictly in accordance with the details provided on plan 1948-BR.SP.01.Rev G.

Reason: - To ensure that the external appearance of the development is appropriate to its surroundings in accordance with Policies EQ6 and EQ7 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

3. All new pointing shall be carried out in accordance with the booklet " The Re-pointing of stone ", a copy of which has previously been provided. The use of strap pointing shall be avoided.

Reason: - To ensure that the external appearance of the development is appropriate to its surroundings in accordance with Policies EQ6 and EQ7 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

4. All new rainwater goods shall be constructed using black powder coated seamless aluminium guttering, ogee profile.

Reason: - To ensure that the external appearance of the development is appropriate



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to its surroundings in accordance with Policies EQ6 and EQ7 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

5. The windows shall be installed in accordance with the details on plans labelled as "Rekhau Profile" and "Veka Profile". Timber windows shall be used on plots 1-5 and 18-27.

Reason: - To ensure that the external appearance of the development is appropriate to its surroundings in accordance with Policies EQ6 and EQ7 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

6. No window or door frame shall be recessed less than 70mm from the external face into which it is set.

Reason: - To ensure that the external appearance of the development is appropriate to its surroundings in accordance with Policies EQ6 and EQ7 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

7. All external timber shall be painted cream (RAL 9001) and shall be maintained as such thereafter.

Reason: - To ensure that the external appearance of the development is appropriate to its surroundings in accordance with Policies EQ6 and EQ7 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

8. The compound details (storage of plant, materials; loading and unloading of vehicles, etc.) shall be as approved under discharge of conditions application DOC/2015/0061.

Reason: - In the interests of highway safety and to comply with policy CF6 of the High Peak Local Plan and the NPPF.

9. The modifications to Shepley Street to extend the pavement along its northern edge to the West of the application site shall be completed in accordance with the details on plan 1126-902 B prior to occupation of the first dwelling.

Reason: - In the interests of highway safety and to comply with policy CF6 of the High Peak Local Plan and the NPPF.

10. The dwellings hereby permitted shall not be occupied until a new estate street junction shall be formed to Shepley Street in accordance with the revised application drawings hereby approved, laid out, constructed to base level and provided with 2.4m x 43m visibility splays in either direction, the area in advance of the sightlines being levelled, constructed as footway and not being included in any plot or other sub-division of the site.

Reason: - In the interests of highway safety and to comply with policy CF6 of the High Peak Local Plan and the NPPF.



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11. The dwellings hereby permitted shall not be occupied until the proposed new estate streets between each respective plot and the existing public highway have been laid out in accordance with the revised application drawings hereby approved to conform to the '6Cs design guide', constructed to base level, drained and lit in accordance with the 6cs adoptable specification for new housing development roads.

Reason: - In the interests of highway safety and to comply with policy CF6 of the High Peak Local Plan and the NPPF.

12. The dwellings hereby permitted shall not be occupied until new vehicular accesses have been created to the new estate street in accordance with the revised application drawings hereby approved, laid out, constructed and provided with 2.4m x 18m visibility splays in either direction of Plots 1 to 8 and 43/44 and 2.4m x 25m to Plots 9 to 42 inclusive, 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 adjoining nearside carriageway channel edge.

Reason: - In the interests of highway safety and to comply with policy CF6 of the High Peak Local Plan and the NPPF.

13. The access, the subject of condition 12 above, shall not be taken into use until 2m x 2m x 45deg pedestrian intervisibility splays have been provided either side of the access at the back of the footway; the splay area shall be maintained throughout the life of the development clear of any object greater than 0.6m in height relative to footway level.

Reason: - In the interests of highway safety and to comply with policy CF6 of the High Peak Local Plan and the NPPF.

14. The premises the subject of this application shall not be occupied until space has been provided within the application site in accordance with the revised application drawings hereby approved for the parking of residents and visitors vehicles (including secure covered cycle parking), 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 and to comply with policy CF6 of the High Peak Local Plan and the NPPF.

15. There shall be no gates or other barriers erected within 5m of the nearside highway boundary or adoptable highway boundary and any gates shall open inwards only.

Reason: - In the interests of highway safety and to comply with policy CF6 of the High Peak Local Plan and the NPPF.

16. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Michael Lambert Associates version 2 dated 5/9/2012) and the following mitigation measures detailed within the FRA:

\* Limiting the surface water run-off generated by the proposed development, so that it will not



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exceed the run-off rates from the predevelopment site and not increase the risk of flooding off-site (section 7 of the FRA).

\* Finished floor levels of approved buildings are set no lower than the minimum level of 169.93m AOD (section 7 of the FRA).

Reason: - To reduce the risk of flooding on the proposed development and future occupants, by ensuring the satisfactory storage and disposal of surface water from the site and to comply with Local Plan policy EQ11 and the NPPF.

17. Parts 'a' to 'c' of this condition shall be complied with within 2 months of this approval. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part 'd' condition has been complied with in relation to that contamination.

**a) Site Characterisation**

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:
  - 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,
  - archaeological 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'.

**b) Submission of Remediation Scheme**

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





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qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

**c) Implementation of Approved Remediation Scheme**

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 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.

**d) Reporting of Unexpected Contamination**

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 part 'a' of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 'b' of this condition, 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 part 'c' of this condition.

Reason: - To ensure the site is developed in a safe manner and to ensure a satisfactory standard of development in the interests of amenity of the area, in accordance with policy EQ6 of the Local Plan and the NPPF.

18. The acoustic sound insulation scheme shall be implemented in accordance with the details approved under the discharge of conditions application DOC/2015/0061.

Reason: - To ensure the amenities of the future occupants of the dwellings is acceptable in accordance with policy EQ6 of the Local Plan and the NPPF.

19. The garden areas shall be screened in accordance with the details approved under discharge of conditions application DOC/2015/0061.

Reason: - To ensure the amenities of future occupants of the dwellings is acceptable in accordance with policy EQ6 of the Local Plan and the NPPF.

20. No construction work shall take place outside the following hours:-

\* 0700 to 1800 Mondays to Fridays





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\* 0800 to 1600 Saturdays

\* At no time on Sundays or Public Holidays unless first agreed in writing by the Local Planning Authority

Reason: - To ensure the amenities of occupants of neighbouring dwellings is acceptable in accordance with policy EQ6 of the Local Plan and the NPPF.

21. Any equipment which needs to be operated outside the hours specified in condition 20 above shall be acoustically screened in accordance with a scheme to be agreed in writing with the Local Planning Authority prior to use.

Reason: - To ensure the amenities of occupants of neighbouring dwellings is acceptable in accordance with policy EQ6 of the Local Plan and the NPPF.

22. If piling is undertaken, a written method statement shall be submitted to and approved in writing by the Local Planning Authority prior to such works taking place. The method statement shall specify that no piling shall place outside the hours of 0900 to 1600 Mondays to Fridays. No piling shall take place except in accordance with the approved method statement.

Reason: - To ensure the amenities of occupants of neighbouring dwellings is acceptable in accordance with policy EQ6 of the Local Plan and the NPPF.

23. Dust suppression shall be undertaken in accordance with the details approved under discharge of conditions application DOC/2015/0061.

Reason: - To ensure the amenities of occupants of neighbouring dwellings is acceptable in accordance with policy EQ6 of the Local Plan and the NPPF.

24. Development shall be carried out in strict accordance with the details approved under the discharge of conditions application DOC/2014/0103.

Reason: - To enable the site's archaeological remains to be properly investigated and recorded in accordance with policy EQ7 of the Local Plan and the NPPF.

25. Hard and soft landscaping shall be completed and implemented in accordance with the details approved under discharge of conditions application DOC/2015/0061.

Reason: - In the interests of visual amenity and in accordance with policies S1, EQ2 and EQ6 of the Local Plan and the NPPF.

26. The Japanese knotweed present on the site shall be managed/controlled in complete accordance with the Japanese Knotweed Treatment report produced by Wiggett Construction Limited, dated 12<sup>th</sup> February 2015 and accompanying drawing 1216-Hope Street, Glossop, Full Topo Survey Layout 1 Rev B.



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Reason: - To prevent the spread of Japanese Knotweed in order to protect nature conservation interests and to comply with para. 109 of the NPPF.

27. Vegetation clearance works shall be undertaken outside of the bird nesting season (i.e. October to March). Where this is not possible, a suitably qualified ecologist shall undertake a site survey of active nests and a report shall be submitted to and approved in writing by the Local Planning Authority. If active nests are identified these must be retained in-situ until the birds have fledged and written confirmation has been provided to the Local Planning Authority by a suitably qualified ecologist.

Reason: - To safeguard wildlife in the interests of nature conservation and to comply with policy EQ5 of the Local Plan and the NPPF.

28. Development shall be undertaken in strict accordance with the Biodiversity details approved under discharge of conditions application DOC/2015/0061.

Reason: - To safeguard wildlife in the interests of nature conservation and to comply with policy EQ5 of the Local Plan and the NPPF.

29. Within 3 months of the date of this consent a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed strictly in accordance with the approved scheme, which shall ensure that light spill onto the area of bat roosts, the trees lines and the reservoir is avoided.

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 2016 and paragraph 17 and Section 11 of the National Planning Policy Framework.

30. Notwithstanding the provisions of Classes A, B, C, D, E, F or G of Part 1, schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no extensions, alterations or curtilage buildings shall be constructed at any of the dwellings hereby permitted unless a further planning permission has first been granted on application to the Local Planning Authority.

Reason: - To enable the Council to exercise control over future developments to the site in accordance with policies EQ6 and EQ7 of the Local Plan and the NPPF.

### **Informatives**

1. It is considered that paras 186 and 187 of the NPPF have been adhered to.

## **POLICIES & OTHER MATERIAL CONSIDERATIONS**

### **High Peak Local Plan Adopted April 2016**

S1 - Sustainable development principles

S1a - Presumption in favour of sustainable development





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S2 - Settlement hierarchy  
S3 - Strategic housing development  
S5 - Glossop sub-area strategy  
EQ1 - Climate change  
EQ2 - Landscape character  
EQ6 - Design and place making  
EQ10 - Pollution control and unstable land  
EQ11 - Flood risk management  
H1 - Location of housing development  
H2 - Housing allocations  
H3 - New housing development  
H4 - Affordable housing  
CF3 - Local infrastructure provision  
CF4 - Open space, sports and recreation facilities  
CF6 - Accessibility by public transport  
CF7 - Planning obligations and community infrastructure levy

## National Planning Policy Framework

- \* Ministerial foreword
- \* Introduction (Inc. Achieving sustainable development, presumption in favour of sustainable development, core planning principles, delivering sustainable development)
- \* 1 Building a strong, competitive economy
- \* 2 Ensuring the vitality of town centres
- \* 4 Promoting sustainable transport
- \* 6 Delivering a wide choice of high quality homes
- \* 7 Requiring good design
- \* 8 Promoting healthy communities
- \* 10 Meeting the challenge of climate change, flooding and coastal change
- \* 11 Conserving and enhancing the natural environment
- \* 12 Conserving and enhancing the historic environment.

## Other Material Considerations

- \* SPD - Residential Design
- \* SPD Landscape Character
- \* National Planning Practice Guidance

X *B.J. Haywood*

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Signed by: Haywood, Ben

**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 have a 6 month deadline for submission of appeals. Appeals must be made



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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.