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Mrs P Sidebottom
Ernocroft Farm
Marple Bridge
Stockport
SK6 5NT

Application no: HPK/2016/0386

Determined on: 18/11/2016

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 New Mills Road, Chisworth, Derbyshire

Description of Development:

Proposed erection of cattle shed/livestock building, erection of cattle shed with handling facilities and hay storage, erection of general equipment storage building and erection of agricultural workers dwelling.

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: Revised Location Plan and Site Plan Rev A received on 18.08.2016, and Dwg Nos. rbf/p/002 Rev A, rbf/p/003 Rev A, rbf/p/004 Rev A, rbf/p/0005 Rev A, rbf/p/6 Rev A, rbf/p/0008 Rev A, and rbf/p/0009 Rev A.

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

3. The occupation of the dwelling hereby permitted shall be limited to a person solely or





High Peak Borough Council

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mainly working, or last working, in the locality in agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990, or a widow or widower of such person.

Reason - The site is in an area where new dwellings are not normally permitted except where there is an overriding need in the interests of agriculture or forestry.

4. The agricultural worker's dwelling hereby approved shall not be occupied unless and until the agricultural buildings (Buildings 1, 2 and 3 as identified on Dwg No. Site Plan Rev A) have been completed in full and brought into use.

Reason - To accord with Policy EQ3 of the High Peak Local Plan and the NPPF as without the new agricultural buildings there is no functional need for the new dwelling in this location.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Class(es) A, B, C, D, E, F of Part 1 Schedule 2 of the Order shall be carried out within the site 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 at the site, in accordance with Policy EQ3, EQ4 and EQ6 of the High Peak Local Plan.

6. No development shall commence until samples of the materials to be used in the construction of external walls and roofs of the buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in complete accordance with the approved materials.

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.

7. Notwithstanding the approved plans and prior to their installation the specifications and finish of all windows and doors to the dwelling, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include: materials, opening methods and details of heads and cills where provided. Thereafter the development shall be carried out in accordance with the approved details.

Reason - To ensure a satisfactory standard of design in accordance with Local Plan Policy



High Peak Borough Council

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EQ6.

8. No development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being brought into use.

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.

9. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;
- (i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- (k) retained historic landscape features and proposed restoration, where relevant.

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 Policies S1 and EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

10. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. 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. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a



High Peak Borough Council

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programme to be agreed in writing with 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 Policies S1 and EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

11. No removal of trees or hedgerows shall be carried out on the site between the 1st March and 31st August inclusive, unless the site has been surveyed for breeding birds, and a scheme to protect breeding birds has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved scheme.

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.

12. No external lighting shall be erected or installed on the site until a scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of mounting height, aiming angles and proposed operating hours for the lighting and how these would be controlled. There shall be no external lighting at the site unless it is installed, maintained and operated in accordance with the approved scheme.

Reason - To ensure that the ditch and hedgerows are not illuminated in the interests of protecting wildlife in accordance with Local Plan Policy EQ5.

13. The proposed development shall not be used for housing livestock, unless a manure management scheme has been submitted to and approved in writing by the Local Planning Authority. This shall cover the full lifecycle of the manures (and any slurry dirty water, wash waters or run-off) from livestock to final disposal and shall detail how manures, slurries and other waters shall be stored and demonstrate the adequacy and suitability of such stores and their compliance with good agricultural practice, to reduce risks of water pollution. The site shall be operated in complete accordance with the approved scheme.

Reason - To protect the health of the public and the wider environment in accordance with High Peak Local Plan Policy EQ6.

14. No development shall commence until an appraisal to demonstrate that the water supply intended to serve the development is both suitable (wholesome) and sufficient, has been submitted to and approved in writing by the Local Planning Authority. This



High Peak Borough Council

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appraisal shall be carried out by appropriately qualified person(s) and shall specify the means by which a water supply shall be provided and thereafter maintained to the development. Such appraisal shall also demonstrate that the sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, will not be compromised by the proposed development. The development itself shall not be occupied until the supply or any proposed treatment, storage or infrastructure has been installed in accordance with the approved specification.

Reason - To protect the health of the public and the wider environment in accordance with High Peak Local Plan Policy EQ6.

15. No development shall commence until a feasibility study report has been submitted to and approved in writing by the Local Planning Authority that investigates appropriate options for the disposal of foul sewage and determines the most sustainable solution for the site. This report shall be in line with (and stating) recognized codes of practice and standards (e.g. The Building Regulations 2000, Drainage and Waste Disposal - Approved Document H, Environment Agency Pollution Prevention Guideline Document PPG4). The report shall include an appropriate assessment of site conditions including soil percolation tests undertaken in line with BS 6297:2007, and a plan showing the proposed location of any cess pit, treatment plant, septic tank, and any associated drainage field. The development shall not be occupied until the approved scheme has been implemented.

Reason - To protect the health of the public and the wider environment in accordance with High Peak Local Plan Policy EQ6.

16. Before any other operations are commenced, a new vehicular access shall be formed to the trackway carrying Public Right of Way Footpath 16, Chisworth, located, designed, laid out and constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and provided with 2.4m x 25m visibility splays in either direction, the area in advance of the sightlines being maintained throughout the life of the development free from any obstruction greater than 1m in height.

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

17. Before any other operations are commenced, space shall be provided within the application site for the access, parking, loading/ unloading and manoeuvring of construction traffic, storage of plant and materials and site accommodation, designed, laid out and constructed in accordance with details which have first been submitted to and agreed in writing by the Local Planning Authority. The above facilities shall be maintained throughout the construction phase free from any impediment to their designated use.



High Peak Borough Council

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

18. Before any other operations are commenced, a scheme shall be submitted to the Local Planning Authority for written approval indicating physical measures designed to limit agricultural vehicle access between the application site and New Mills Road, provide operational space for the proposed agricultural buildings accessed predominantly from Gun Road together with improvements to the access from New Mills Road to assist two way vehicle movement and improve junction visibility.

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

19. The premises, the subject of the application, shall not be brought into use until the works the subject of Condition 18 have been implemented in accordance with the approved scheme and they shall thereafter be maintained free from any impediment to their designated use.

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

20. The premises, the subject of the application, shall not be brought into use until space has been provided within the site curtilage for the parking and turning, loading and unloading of domestic and agricultural service/ delivery vehicles, laid out and surfaced in a manner to be agreed in writing with the Local Planning Authority prior to the commencement of development and these areas shall be maintained throughout the life of the development free from any impediment to its designated use.

Reason - To ensure adequate car parking provision within the site in accordance with the adopted standards of the Local Planning Authority and in accordance with Policy CF6 of the High Peak Local Plan.

21. Any gates fronting the access track carrying Public Right of Way Footpath 16, Chisworth shall open inwards only.

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



Summary of reasons for granting planning permission

The Council has sought (negotiated) a sustainable form of development which complies with the provisions of paragraphs 186-187 of the NPPF.

Informatives

1. Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

- Any approved noise scheme and measurements should pay due regard to British Standard BS8233: 2014 Sound insulation and noise reduction for buildings (Guidance Document), BS4142 Methods for rating and assessing industrial and commercial sound and the Building Regulations 2010 Document E or other appropriate guidance.
- Advice on controlling flies and light can be found in: Statutory Nuisance from Insects and Artificial Light (DEFRA 2005) available as a free download
<http://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/statnuisance.pdf>
- A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition of the existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements: <http://www.hse.gov.uk/>
- During any demolition and construction activities (including landscaping) the contractor shall take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.
- The control of dust and emissions from construction and demolition Best Practice Guidance, produced by the greater London councils
<http://www.london.gov.uk/sites/default/files/BPGcontrolofdustandemissions.pdf>
- Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456)
- If required, contamination risk assessments shall be carried out in accordance with UK policy and with the procedural guidance relating to the contaminated land regime, and should be in accordance with Planning Policy Statement 23 and the CLR Report Series 1-12.
- Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.
- The Local Planning Authority will determine the acceptability of reports on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post development, where the applicant had prior



High Peak Borough Council

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knowledge of the contamination, the applicant is likely to be liable under Part II (a) of the Environmental Protection Act 1990 and as such become an "appropriate person". In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.

- Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this, the applicant or those acting on behalf of the applicant will be liable under part II (a) of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.
- During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public property and the environment are protected against noise, dust, odour and fumes
- The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of in an appropriately licensed landfill site.
- High Peak Borough Council is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is forwarded to the Environmental Protection Department and agreed in principle prior to site investigation works being undertaken. The Environmental Protection Department is also prepared to review draft copies of reports prior to final submission to the Planning Department in order to ensure that works undertaken are sufficient to discharge the contaminated land conditions.

X *B.J. Haywood*

Signed by: Haywood, Ben

On behalf of High Peak Borough Council



NOTES

1. Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting the Councils Building Control Section.
2. Where a vehicle is often driven across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may, be required to pay the cost of construction of a crossing, and/or may be required to comply with conditions, imposed by the Authority. You should contact the Highway Authority at Derbyshire County Council.
3. This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. **A fee is payable to us for the discharge of condition. Please refer to our web site : www.highpeak.gov.uk 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.