

Mr Paul Jeffrey  
Bowker Sadler Partnership Limited  
Hatherlow House Hatherlow  
Stockport  
SK6 3DY



# High Peak Borough Council

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Mr Paul Jeffrey  
Bowker Sadler Partnership Limited  
Hatherlow House Hatherlow  
Stockport  
SK6 3DY

Mr Richards  
5 Red Lane  
Stockport  
Cheshire

Application no: HPK/2016/0022

Determined on: 6<sup>th</sup> December 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:**

34 Town Lane Charlesworth Derbyshire SK13 5HQ

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

Proposed rebuilding and extension of existing dwelling and erection of 2 no new dwellings.  
Demolition of single storey storage building

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: 15.073 002 Rev C, 15.073 003 Rev C, 15.073 004 Rev D, 15.073 005 D, 15.073 006 Rev E, 15.073 009 C, 15.073 010, 15.073 011, 15.073 012 Rev B, 15.073 013 Rev B, 15.073 014 Rev C, 15.073 015, 15.073 016B, 15.073 018, 15.073 019, 15.073 020 E and 15.073 021.

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

3. The materials of construction for the proposed development hereby approved shall be





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natural course gritstone to the walls, natural blue slate to the roofs and painted timber for the windows, doors and gates.

Reason:- In the interests of visual amenity and the character and appearance of the area in accordance with Policies EQ6 and EQ7 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

4. 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 Policies EQ6 and EQ7 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

5. No development shall commence on site until a sample wall pointing panel not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

Reason:- In the interests of visual amenity and the character and appearance of the area in accordance with Policies EQ6 and EQ7 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

6. No works shall commence on site until plans to show all window and all door joinery detailing including cross sections of window glazing bars, to a scale not less than 1:20 has 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:- In the interests of visual amenity and the character and appearance of the area in accordance with Policies EQ6 and EQ7 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

7. No development shall commence on site until details of the finish to external timber, including any paint or stain to be used on the external walls, soffits and window and door joinery have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:- In the interests of visual amenity and the character and appearance of the area in accordance with Policies EQ6 and EQ7 of the High Peak Local Plan 2016 and the National Planning Policy Framework.



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8. No development shall commence on site until detailed sections at a scale of 1:5 showing eaves detailing and rainwater goods 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:- In the interests of visual amenity and the character and appearance of the area in accordance with Policies EQ6 and EQ7 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

9. 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. The boundary treatment shall be completed in accordance with the approved details before the first occupation of the dwellings hereby approved or in accordance with a timetable agreed in writing with the Local Planning Authority.

Reason:- In the interest of visual amenity, 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. 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,





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

11. 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 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.

12. The 2 semi mature replacement trees shown to be planted on the approved plans (Job No 15-073 Drawing 20 Rev E dated 7/10/2016) Shall have a minimum girth of 24cm and be of a species to be agreed in writing with the Local Planning Authority prior to planting. The trees will be planted in accordance with BS 8545:2014 Trees: from nursery to independence in the landscape. Recommendations. Any trees, removed without 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 of the same 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 Policies EQ2 and EQ9 of the High Peak Local Plan 2016 and paragraph 118 of the National Planning Policy Framework.

13. 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.

The AMS shall include full details of the following:





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- 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.

No development shall take place except in complete accordance with the approved AMS.

Reason:- To protect the health and amenity of the trees in accordance with Policies EQ2 and EQ9 of the High Peak Local Plan 2016 and paragraph 118 of the National Planning Policy Framework.

14. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become





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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 Policies EQ2 and EQ9 of the High Peak Local Plan 2016 and paragraph 118 of the National Planning Policy Framework.

15. No development shall commence, 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:
- i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. storage of plant and materials used in constructing the development
  - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - v. wheel cleaning and/or washing facilities
  - vi. measures to control the emission of dust, dirt, noise, vibration and light during construction
  - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works
  - viii. hours of construction/demolition
  - ix. details of any piling
  - x. details of temporary highway vehicle and pedestrian routings
  - xi. details of off-highway parking for construction related vehicles

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

16. Prior to commencement of any other works, the existing site access shall be modified in accordance with the approved Dwg No. 15.073 202 D and provided with exit visibility splays and areas in advance of the splays shall be maintained clear of any obstruction greater than 1.0m in height, (600mm in the case of vegetation) relative to the nearside carriageway channel level for the lifetime of the development.

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

17. No part of the development hereby approved shall be first brought into use until the



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parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

Reason:- To ensure that adequate provision is made for parking within the site in the interests of highway safety, in accordance with Policy CF6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

18. 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 13:00 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 submitted to and agreed in writing by the Local Planning Authority.

Reason:- To ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected in accordance with Policy EQ6 of the High Peak Local Plan 2016 and paragraph 17 of the National Planning Policy Framework.

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

Reason:- To ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected in accordance with Policy EQ6 of the High Peak Local Plan 2016 and paragraph 17 of the National Planning Policy Framework.

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

Reason:- To ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected in accordance with Policy EQ6 of the High Peak Local Plan 2016 and paragraph 17 of the National Planning Policy Framework.

21. The development shall be carried out in accordance with the mitigation measures outlined within the recommendations of the Ecological Survey Report (Kingdom





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Ecology 12th April 2016), Herptile Advice Letter, (Kingdom Ecology, 1st September 2016) and the Dwg. 15.073 020 E which specifies the retention of the pond. The mitigation measures should be followed and upheld both during the construction phase and prior to occupation of the dwellings hereby approved. The development shall proceed strictly in accordance with these recommended measures for the lifetime of the development.

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.

22. 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) (England) Order 2015), or any Order revoking or re-enacting or amending that Order with or without modification, no development within Schedule 2 Part 1, Classes A-H and Part 2 Class A shall take place on the dwelling houses hereby approved or within their curtilages unless a further planning permission has first been granted on application to the Local Planning Authority.

Reason:- In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements, in accordance with Policies EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

### **Informative**

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

1. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Derbyshire County Council Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.
2. The applicant should note that under the terms of 'The New Roads and Street Works Act 1991', any person other than a Statutory Undertaker must obtain a licence to carry out excavation works within a street. Licences may be obtained by application from the relevant Area Co-ordinating Engineer at Derbyshire County Council Highway Authority.
3. The applicant is advised of the need to submit plans, sections and specifications of





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the proposed retaining wall for the approval of the Highway Authority in accordance with Section 167 of the Highways Act 1980. (For information, this relates to retaining walls which are wholly or partly within 4 yards (3.65metres) of a street and which is at any point of a greater height than 4'6""(1.40 metres) above the level of the ground at the boundary of the street nearest that point.)

4. Any access to the highway shall be constructed from a solid bound surface for a distance of 6m from the highway boundary.

5. All parking spaces shall measure a minimum of 2.4m x 5.5m

X *B.J. Haywood*

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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](http://www.highpeak.gov.uk) for details.** If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:
  - (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
  - (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.
4. Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.
5. The permission is granted in strict accordance with the approved plans. It should be noted however that:
  - (a) Any variation from the approved plans following commencement of the development irrespective of the degree of variation will constitute unauthorised development and may be liable to enforcement action.
  - (b) Variation to the approved plans will require the submission of a new planning application.
6. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
7. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority's decision then you must



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do so within 12 weeks of the date of this notice. All other types of development have a 6 month deadline for submission of appeals. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <https://www.gov.uk/appeal-planning-inspectorate#other-ways-to-apply>. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

8. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.