

Matthew Hurst
High Peak Architects Ltd
Wharf House Wharf Road
Whaley Bridge
Derbyshire
SK23 7AD



High Peak Borough Council

working for our community

Matthew Hurst
High Peak Architects Ltd
Wharf House Wharf Road
Whaley Bridge
Derbyshire
SK23 7AD

Mr Burgess
Top O Th Plane Ashbourne Lane
Chapel-en-le-Frith
Derbyshire
SK23 9UG

Application no: HPK/2016/0595

Determined on: 20/12/2016

**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:

Jolly Carter Inn Land Adjacent Buxton Road Chapel-En-Le-Frith Derbyshire SK23 0PT

Description of Development:

Application for variation of condition 2 relating to HPK/2015/0593 - Proposed change of use of the Jolly Carter Inn into 3 two bedroom houses and the construction of 3 two bedroom houses with associated car parking and landscaping

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 strictly in accordance with the following approved plans: 1279.PL01C and 1279.PL03B.

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

2. Within 3 months of the date of this consent samples of the cills, headers and roof tile to be used on the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details and using the external stonework and coursing approved under application DOC/2016/0029.

Reason:- In the interests of visual amenity and the character and appearance of the area in accordance with Policy EQ6 of the High Peak Local Plan 2016 and the





High Peak Borough Council

working for our community

National Planning Policy Framework.

3. The units hereby approved shall not be first occupied until triple glazing window units have been installed to the rear of units 1-6 and the side of unit 6.

Reason:- In the interests of residential amenity in accordance with Policy EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

4. Within 3 months of the date of this consent, details of the hard and soft landscaping to be used in the construction of the external parking, garden and walkways and landscaped areas around the car park of the units hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. These details shall include suitable porous surface treatment to minimise flood risk from rainwater run-off and be carried out in accordance with these approved details, prior to first occupation and the development maintained and retained permanently in accordance with the approved details.

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.

5. Within 3 months of the date of this consent, a survey of the existing highway drain between Headwalls 1 and 2 (see Plan A) to enable preparation of a detailed scheme to be submitted for written approval by the Local Planning Authority in consultation with the Highway Authority for future protection of the drain and/or diversion of the drain, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior the first occupation of the development here by approved and thereafter maintained for the life of the development.

Reason:- To ensure that effective drainage facilities are provided for the proposed development in accordance with Policy EQ11 of the High Peak Local Plan 2016 and Section 10 of the National Planning Policy Framework.

6. Within 3 months of the date of this consent a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority showing the proposed works within the public highway. The details shall include means to deter parking on the footway, closure of redundant vehicular accesses, creation of new vehicular accesses, removal of the redundant raised bus border and any other works such as regrading of the footway. The approved scheme shall be implemented in full prior to first occupation of any unit.

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.

7. The dwellings, the subject of the application, shall not be occupied until the on-site parking spaces (each measuring a minimum of 2.4m x 4.8m) and turning spaces



High Peak Borough Council

working for our community

(aisle widths of at least 6m) have been provided for in accordance with the application drawings laid out and constructed as may be agreed with the Local Planning Authority and maintained thereafter free from any impediment to designated use.

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.

8. The accesses to the parking and turning areas shall not be gated unless otherwise agreed in writing with the Local Planning Authority.

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.

9. Prior to the occupation adequate bin storage and a bin dwell area for use on refuse collection days shall be provided clear of the public highway, within the site curtilage clear of all access and parking and turning provision and retained thereafter free from impediment to designated use.

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.

10. Development shall proceed strictly in accordance with the construction method statement submitted to and agreed in writing by the Local Planning Authority under application DOC/2016/0051.

Reason:- To ensure that adequate provision is made for loading and unloading 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.

11. The development hereby approved shall be completed strictly in accordance with phase 1 contamination report (Northern Foundations ref: DS9392, dated May 2016) approved under application DOC/2016/0051

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 2016 and the National Planning Policy Framework.

13. No 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 by the Local Planning Authority.

Reason: To ensure that risks from contamination to the future users of the land and neighbouring land are minimised in accordance with Policies EQ6 and EQ10 of the





High Peak Borough Council

working for our community

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

12. 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 14:00 hours on Saturdays.
- (iii) At any time on Sundays or Public Holidays except by agreement with the Local Planning Authority.
- (iv) All deliveries associated with the construction phase shall only take place between the hours of 09.30 and 14.00 and between 16.00 and 17.45 Monday to Friday and not at all on Saturdays, Sundays or Bank Holidays. 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.
- (v) No piling shall take place outside the hours 09:00 hours to 16:00 hours Mondays to Fridays
- (vi) There shall be no visible dust emissions beyond the site boundary associated with construction/demolition works undertaken at the site.

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.

13. No removal of hedgerows, trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.

Reason:- Such conditions are to be used to ensure that breeding birds and other protected species are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended. In accordance with Policy EQ5 of the High Peak Local Plan and Section 11 of the NPPF.

14. The approved drainage scheme for the site (showing how foul water, surface water and land drainage) shall be installed strictly in accordance with the details approved under DOC/2016/0029.

Reason:-To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system in accordance with Policy EQ11 of the High Peak Local Plan and Section 10 of the NPPF.

15. The development hereby approved shall be carried out strictly in accordance with the approved drainage hierarchy scheme approved under DOC/2016/0029.

Reason:- To ensure that surface water from the development is directed towards the



High Peak Borough Council

working for our community

most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options.

16. 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 or amending that Order with or without modification, no development within no development within Schedule 2 Part 1, Classes A, B, C and E shall take place on the dwelling house(s) hereby permitted or within their curtilages.

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.

X 

Signed by: Jane Colley

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



High Peak Borough Council

working for our community

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.