

Mr Bill Davidson  
P4 Planning Limited  
111 Piccadilly  
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M1 2HY



# High Peak Borough Council

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Mr Bill Davidson  
P4 Planning Limited  
111 Piccadilly  
Manchester  
M1 2HY

Mr Little  
c/o Agent

Application no: HPK/2016/0476

Determined on: 18/01/2017

## **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:**

The Old Vicarage Land to the Rear Marsh Lane, New Mills, Derbyshire

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

Proposed demolition of existing workshop and development comprising 16 homes for affordable rent; 7 for low cost home ownership and 14 homes for open market sale (37 residential homes in total) (use class C3) with associated access, 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 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: 100 Rev C, 101 Rev G, 102 Rev C, 103 Rev E, 110 Rev C, 112 Rev B, 114 Rev D, 116 Rev B, 118 Rev B, 120 Rev C, 122 Rev C, 124 Rev B, 126 Rev C, 128 Rev C, 130 Rev B, 132 Rev B, 134 Rev B, 136 Rev B, 138 Rev C, 140 Rev C, 142 Rev B, 144 Rev B, 150 Rev A, 160 Rev B, 161 Rev B, 725/SP/02/A and 061

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

3. Prior to the commencement of development (excluding demolition and land remediation works) a scheme of hard and soft landscaping shall be has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:





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- (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;

The development shall be completed in accordance with the approved details prior to the first occupation of the dwellings hereby approved or within the first available planning season whichever is the sooner.

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.

4. 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:- 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.

5. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 5a to 5d have been complied with. 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 condition 5d has been complied with in relation to that contamination.

#### a) Site Characterisation

Prior to the commencement of development, 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,
  - archeological 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 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 condition 5a, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 5b, which is subject to the approval in writing of the Local Planning Authority.



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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 condition 5c.

Reason:- 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.

6. 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 shall be submitted to and agreed in writing by the Local Planning Authority prior to the soils being imported onto site. The methodology shall 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 validatory evidence submitted to and approved in writing to by the Local Planning Authority.

Reason:- 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.

7. No development shall take place, 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:

- a) the parking of vehicles of site operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials used in constructing the development
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- e) wheel washing facilities.
- f) a scheme for recycling/disposing of waste resulting from demolition and construction works.

All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous materials on the public highway.

Reason:- In the interests of highway safety and the amenity of neighbouring properties, in accordance with Policies EQ6 and CF6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

8. 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' (BR456).

Reason:- To ensure that the residential amenities of neighbouring properties are adequately protected in accordance with Policy EQ6 of the High Peak Local Plan 2016 and paragraph 17 of the National Planning Policy Framework.



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9. No construction/demolition work at the site shall take place outside the following hours:-

- (i) 08:00 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.
- (v) 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 agreed and approved 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.

10. If piling is necessary a written method statement shall be submitted to and approved in writing by the Local Planning Authority prior to any piling works taking place. This method statement shall be in line with Environment Agency guidance (Environment Agency (2001), Piling and Penetrative Ground Improvements on Land Affected by Land Contamination NC/99/73). The affects of noise generation (hours of operation) shall also be considered, and shall include noise mitigation measures consistent with best practical means. No piling shall take place except in complete accordance with the approved method statement and 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.

11. Prior to the commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority detailing the methods to be applied to prevent the release of asbestos fibres into the air. This scheme shall include air monitoring on the boundary of relevant works to verify that the methods are working. Thereafter the development shall proceed in accordance with the approved scheme.

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.

12. Prior to the first occupation of the development hereby approved the provision of refuse facilities as shown on plan ref 101 Rev G shall be installed and thereafter retained.

Reason:- To ensure that adequate refuse provision is provided and in accordance with Policy EQ6 of the High Peak Local Plan 2016 and paragraph 17 of the National Planning Policy Framework.

13. Prior to the first occupation of the development hereby approved the boundary treatment as shown on plan ref 103 Rev E shall be installed and thereafter retained.



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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 National Planning Policy Framework.

14. Prior to the commencement of development (excluding demolition or land remediation works) a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with the DEFRA Non - statutory technical standards for sustainable drainage systems (March 2015) shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved design prior to the use of the building commencing.

Reason:- To ensure that the principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems is provided to the LPA in advance of full planning consent being granted.

15. Prior to the commencement of development (excluding demolition or land remediation works) a detailed assessment shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the proposed destination for surface water accords with the hierarchy in Approved Document Part H of the Building Regulations 2000. The assessment shall demonstrate with appropriate evidence that surface water runoff is discharged as high up as reasonably practicable in the following hierarchy:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

Reason:- To ensure that surface water from the development is directed towards the most appropriate waterbody in terms of flood risk and practicality by utilising the highest possible priority destination on the hierarchy of drainage options.

16. Prior to the commencement of development (excluding demolition or land remediation works) a detailed mitigation, enhancement and management plan shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall provide details on the biodiversity measures that will be incorporated into the proposed development. These shall include details of a proposed planting scheme, details of how the dry heath/acid grassland will be retained/protected and managed, details of where mature trees/scrub will be retained, details of a sensitive lighting scheme to protect foraging bats and how features for nesting birds and bats will be incorporated into the proposed housing. This plan shall be supported by appropriate drawings showing the location of retained and created habitats and other biodiversity features and a timetable for implementation. Thereafter the approved management plan shall be implemented in full and in accordance with the approved timetable.

Reason:- To mitigate against the loss of existing biodiversity and nature habitats, in accordance with Policy EQ5 of the High Peak Local Plan 2016 and paragraph 17 and Section 11 of the National Planning Policy Framework.

17. The development hereby approved shall be carried out in accordance with the material



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schedules shown on plan refs ADD IN110 Rev C, 112 Rev B, 114 Rev D, 116 Rev B, 118 Rev B, 120 Rev C, 122 Rev C, 124 Rev B, 126 Rev C, 128 Rev C, 130 Rev B, 132 Rev B, 134 Rev B, 136 Rev B, 138 Rev C, 140 Rev C, 142 Rev B and 144 Rev B,

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 National Planning Policy Framework.

18. No development shall be occupied until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.

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.

19. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework or any document that replaces it. The scheme shall include:

I. the numbers, type and tenure on the site of the affordable housing shall be in accordance with plan ref 101 Rev G and consist of not less than 30% of housing units save as may be varied as part of the approved affordable housing scheme where justified with appropriate evidence of why it is not desirable or deliverable to achieve these proportions.

II. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of market housing;

III. the arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing if no RP involved);

IV. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing, or for the subsidy to be recycled for alternative affordable housing provision; and

V. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason:- To secure the provision of affordable units and to ensure a satisfactory standard of control over the occupation of the affordable units, in accordance with Policy H4 of the High Peak Local Plan 2016.

20. 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 -





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Recommendations has been submitted to and approved in writing by the Local Planning Authority and the protective fencing is erected as required by the AMS.

The AMS shall include full details of the following:

- 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.

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.

21. Prior to the commencement of development (excluding demolition and land remediation works) a scheme for the alteration, maintenance and protection of the quarry rock face shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved scheme.

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.

22. No development shall commenced until the sites existing vehicular access has been modified to provide a temporary access for construction purposes, in accordance with a detailed design first submitted to and approved in writing by the Local Planning Authority. The access shall be retained in accordance with the approved scheme throughout the construction period, or such other period of time as may be agreed in writing by the Local Planning Authority, free from any impediment to its designated use.

Reason:- To enable vehicles to enter and leave the site in forward gear in the interests of





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

23. No development related to roads and footways shall take place until construction details of the residential estate roads and footways (including levels, gradients, surfacing and means of surface water drainage) and full engineering details of street lighting have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

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

24. The carriageways of the proposed estate roads shall be constructed in accordance with Condition No 23 above up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of the first dwelling, unless otherwise agreed in writing by the Local Planning Authority.

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

25. No dwelling shall be occupied until the vehicular access to Marsh Lane has been modified in accordance with drawing No 15-038 101 G, and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 25 metres in each direction measured to the nearside wheel track. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

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

26. All vehicular accesses serving plots 1-5 and 35 - 37 and parking spaces 9 and 11 (adjacent to plot 1) as shown on plan ref 101 Rev G to the proposed estate street shall be provided with emerging visibility sightlines of 2.4m x 17m in both directions measured along the nearside carriageway edge unless otherwise agreed in writing by the Local Planning Authority. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

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.

27. No dwelling shall be occupied until space has been laid out within the site for the parking



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and manoeuvring of residents vehicles associated with that dwelling, in accordance with drawing No 15-038 101 G. These facilities shall thereafter be retained for use at all times.

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.

28. No part of the development shall be occupied until a tactile pedestrian dropped crossing across the sites access with Marsh Lane has been constructed in accordance the details first submitted to and approved in writing by 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.

29. No part of the adopted estate street leading from Marsh Lane shall exceed a gradient of 1:20.

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.

### **Informatives**

1. Specific measures should also be employed to reduce the risk of mortality of any amphibians and reptiles within the application boundary during the operational phase of the proposed works. This can be achieved by inserting modified kerbs adjacent to any roadside gully pots throughout the developed site to reduce the risk of amphibian/reptile mortality.

2. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director of the Economy, Transport and Environment Department at County Hall, Matlock (tel: 01629 533190). The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 38 Agreement.

3. Highway surface water shall be disposed of via a positive, gravity fed system (ie; not pumped) discharging to an approved point of outfall (eg; existing public sewer, highway drain or watercourse) to be sanctioned by the Water Authority (or their agent), Highway Authority or Environment Agency respectively. The use of soak-aways for highway purposes is generally not sanctioned.

4. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980.



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5. The proposed vehicular access modifications involve the removal/relocation of an existing street lighting column on Marsh Lane. The applicant must seek the prior written approval of my Council's Street Lighting Services for any such relocation. The applicant should contact Street Lighting Services on 01629 531946 for advice and procedure for the column. Additionally the applicant must secure the service of Derbyshire County Council for the removal/relocation works in the absence of any Agreement under the Highways Act 1980. The applicant is liable for all costs arising.

6. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (eg; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

7. Construction works are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management - telephone 01629 538686.

8. The application site is affected by 2 public Rights of Way, Footpath No's 146 and 147 on the Derbyshire Definitive Map. These routes must remain unobstructed on their legal alignment at all times and the safety of the public using them must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190 and asking for the Rights of Way Duty Officer. Please note that:-  
The granting of planning permission is not consent to divert or obstruct a public right of way. If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 for further information and an application form.

If a right of way is required to be permanently diverted then the Council that determines the planning application (The Planning Authority) has the necessary powers to make a diversion order.

9. Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the planning authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council.

10. The affordable housing shall:

a) not bind any mortgagee or chargee of a Registered Provider or any administrator, fixed charge receiver including any receiver appointed under the Law of Property Act 1925, administrative receiver or any other person appointed under any security documentation to enable such mortgagee to realise its security or any successors in title thereto including their respective mortgagees or chargees (referred to collectively as a Chargee) provided that any such parties shall have first complied with the obligations below:-

(i) such Chargee shall first give written notice to the Council of its intention to dispose of any or part of the Affordable Housing Units and shall have used reasonable endeavours over a period of three months from the date of the written notice to complete a disposal of the





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Affordable Housing Unit(s) to another Registered Provider subject to the terms of this planning consent or to the Council for a consideration not less than the amount due and outstanding under the terms of the relevant security documentation including all accrued principal monies, interest and costs and expenses;

(ii) if such disposal has not completed within the three month period, the Chargee shall be entitled to dispose of the Affordable Housing Unit(s) free from the Affordable Housing condition in this planning consent; and

(iii) at the end of the said three month period to provide to the Council evidence of such reasonable endeavours made in accord with (i) above as the Council may request in writing of the Chargee, such evidence, if requested, to be provided within 21 days of the date of any such request.

b) cease to apply to any part or parts of the property which are transferred or leased by any Chargee referred to in paragraph (a) above, subject to fulfilment of the obligations as set out above.

c) not bind any mortgagee of any such shared ownership leaseholder or any purchaser, tenant or occupier nor any administrator, administrative receiver, fixed charge receiver including any receiver appointed under the Law of Property Act 1925 or any other person appointed under any security documentation by such mortgagee or successors in title thereto including their respective mortgagees or chargees.

d) not bind any person or party or lender mortgagee or chargee to such party acquiring any of the Affordable Housing Units pursuant to any statutory right to buy or right to acquire or under the purchase grant scheme pursuant to the Housing Act 1998; or

e) not bind any shared ownership Affordable Housing Unit where the purchaser acquires one hundred per cent of the equity in such unit.

The Council entered into pre-application discussions with the applicant to secure a revised/improved scheme, as has been submitted and consequently approved. It is therefore considered that the proposals meet the provisions of paragraphs 186-187 of the NPPF

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](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.