

Mr Philip Moore  
Cordonier Architecture  
10 Long Line  
Sheffield  
S11 7TX





**High Peak Borough Council**

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10 Long Line  
Sheffield  
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Commercial House Commercial Street  
Sheffield  
S1 2AT

Application no: HPK/2016/0484

Determined on: 23/01/2017

**Town and Country Planning Act 1990**

**Town and Country Planning (Development Management Procedure) (England) Order 2015**

**APPROVAL OF RESERVED MATTERS**

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.

**Location of Development:**

Land Off Hallsteads Dove Holes Buxton Derbyshire

**Description of Development:**

Application for approval of reserved matters for the erection of housing including 25 Affordable Units with Flats, Shop and Car Parking, Sub Station & Pumping Stations (includes 4 Bungalows) pursuant to outline planning permission HPK/2013/0417

In pursuance of their power under the above mentioned Act, High Peak Borough Council Planning Authority, **APPROVES** the following matters which have been reserved for later approval on the grant of outline planning permission for development.

1. This notice of approval of reserved matters shall only relate to outline planning permission reference HPK/2013/0417.

Reason:- For the avoidance of doubt and to comply with Section 92 of The Town and Country Planning Act 1990 and Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: SL-01 Rev B, HT1-HT2 rev A, HT8 rev A , FT2 rev A, HT3, HT4, HT5, HT6, HT7, FT1, FT2, LP.01, LS-01 rev A, FW-01, G01, G02, G03

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



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3. Notwithstanding the details shown on plan ref SL-01 Rev B development shall not commence until samples of the materials to be used in the construction of external walls and roofs of the building 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.

4. 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 before the first occupation of the development hereby approved. Development shall be carried out 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.

5. Prior to the commencement of development, details of any roads, not to be adopted as shown on plan ref SL-01 Rev B, and their ongoing maintenance and management (the scheme) shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of all surface treatment, lighting, hard and soft landscaping, drainage and any other incidental structures/barriers, long term inspection, maintenance and repair schedules and contact details of the person(s)/company responsible for the ongoing maintenance and repair of the roads. The development shall be implemented in accordance with the approved scheme, and prior to the first occupation of the development and the scheme shall remain in force in perpetuity.

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.

6. 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.

7. All hard and soft landscape works shall be carried out in accordance with the approved details shown on plan ref LS-01 rev A. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the



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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.

8. No development shall take place until a schedule of landscape maintenance for a minimum period of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule

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.

9. No development shall commence on site 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.

10. 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 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



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(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.

### **Informatives**

1. This permission shall be read in conjunction with an Agreement made under Section 106 of The Town and Country Planning Act, 1990 dated 31st October 2013 under planning consent HPK/2013/0417.

2. The attention of the applicant is also drawn to the conditions imposed on the outline planning permission reference HPK/2013/0417 and dated 31st October 2013 .

3. The applicants attention is drawn to the comments made by Network Rail dated 12th September 2016.

4. The Local Planning Authority has sought to work with the applicant in positive and proactive way to secure a development that will improve the economic, social and environmental conditions of the area, in line with the NPPF. This decision has been made following careful consideration of all the issues raised through the application process and thorough discussion with the applicant. In accordance with Paragraph 187 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

X *B.J. Haywood*

Signed by: Haywood, Ben

**On behalf of High Peak Borough Council**

P O Box 136 Buxton SK17 1AQ

Phone 0845 129 77 77 or 01298 28400 Fax 01298 27639 Minicom 0845 129 48 76

E-mail [customer-services@highpeak.gov.uk](mailto:customer-services@highpeak.gov.uk) Website [www.highpeak.gov.uk](http://www.highpeak.gov.uk)

Mobile Text No. 078 0000 2262





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## NOTES

1. Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting the Councils Building Control Section.
2. Where a vehicle is often driven across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may, be required to pay the cost of construction of a crossing, and/or may be required to comply with conditions, imposed by the Authority. You should contact the Highway Authority at Derbyshire County Council.
3. This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. **A fee is payable to us for the discharge of condition. Please refer to our web site : [www.highpeak.gov.uk](http://www.highpeak.gov.uk) for details.** If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:
  - (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
  - (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.
4. Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.
5. The permission is granted in strict accordance with the approved plans. It should be noted however that:
  - (a) Any variation from the approved plans following commencement of the development irrespective of the degree of variation will constitute unauthorised development and may be liable to enforcement action.
  - (b) Variation to the approved plans will require the submission of a new planning application.
6. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
7. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice. All other types of development





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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.
9. Developers should also be aware of the provisions of the Gas Safety Regulations 1972 and Gas Safety (Installation and Use) Regulations 1984. It is possible that the existing gas service pipe which lies within the area of the proposed extension of alterations which will contravene the provisions of these Regulations. It is necessary that you contact British Gas, North West House, Gould Street, Manchester, M4 4DJ, who will advise if the existing gas service pipe requires alterations.