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Application no: HPK/2016/0551

Determined on: 29<sup>th</sup> March 2017

**Town and Country Planning Act 1990**  
**Town and Country Planning (Development Management Procedure) (England) Order 2015**

## **GRANT OF OUTLINE PLANNING PERMISSION**

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 Adjacent Buxton Road Chinley Derbyshire

### **Description of Development:**

Outline residential development

In pursuance of their power under the above mentioned Act, High Peak Borough Council Planning Authority, **HEREBY GRANT OUTLINE PLANNING PERMISSION** for the works described above subject to the following condition(s):

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters.

Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and thereafter the development shall only be carried out in accordance with the details as approved.

Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.



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3. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called ""the reserved matters"" ) shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced and thereafter the development shall only be carried out in accordance with the details as approved.

Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and Articles 4 and 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

4. Notwithstanding that the 'reserved matters' include the layout the development hereby approved shall be limited to 9 no. dwellings.

Reason -To define the extent of the permission and to accord with Policy CF7 of the High Peak Local Plan.

5. 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 set out in the Glossary to the National Planning Policy Framework. The scheme shall include:

- i) The numbers, type, and location on the site of the affordable housing provision which shall consist of not less than 20% of the dwellings. The affordable housing provision shall seek to achieve a target of 80% affordable rented with the balance being provided as intermediate housing. These proportions may be varied as part of the submitted scheme where justified with appropriate evidence of why it is not desirable or deliverable to achieve these proportions and with the written agreement with the Local Planning Authority.
- ii) Details of the location of the affordable dwellings within the site.
- iii) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing. No more than 80% of the open market dwellings shall be occupied before the affordable housing is completed and available for occupation.
- iv) The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Provider is involved.
- v) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing.
- vi) 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 ensure adequate provision of affordable housing in accordance with Policies S3, H1, H3, H4, CF7 and EQ6 of the High Peak Local Plan Policies 216 the National Planning Policy Framework.

6. A detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations shall be submitted with any reserved matters application.

The AMS shall include full details of the following:



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- a) Detailed tree survey undertaken in accordance with recommendations of BS5837 (2012).
- 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.

7. The development hereby permitted shall not be commenced until such time as a scheme to ensure finished floor levels are set no lower than 197.0m above Ordnance Datum (AOD) has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason - To reduce the risk of flooding to the proposed development and future users.

8. Proposed layouts submitted at reserved matters stage shall show an undeveloped easement of 8m width to the bank top of Otter Brook in order to retain access to the watercourse for future maintenance or improvement works. The easement shall be free of buildings, structures,



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fencing and garden areas and notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (Or as may subsequently be amended or re-enacted) shall thereafter be maintained as such.

Reason - To ensure access is available to the watercourse.

9. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions, including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

Reason - To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

10. Foul and surface water shall be drained on separate systems.

Reason - To secure proper drainage and to manage the risk of flooding and pollution.

11. No development shall take place unless and until a scheme for mitigation and compensation for fragmentation and reduction in breadth of the green corridor including a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. Any approved mitigation and compensation measures shall be carried out strictly in accordance with the approved scheme.

Reason - To mitigate against the fragmentation and reduction of the green corridor, in accordance with Policy EQ5 of the High Peak Local Plan and paragraph 17 and Section 11 of the National Planning Policy Framework.

12. Prior to commencement of any works on the site a scheme of mitigation measures to minimise risk to otters and other mammals during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.

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

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



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accordance with the approved scheme.

Reason:- To provide adequate safeguards for the protection of any protected species existing on the site, in accordance with Policy EQ5 of the High Peak Local Plan 2016 and paragraph 17 and Section 11 of the National Planning Policy Framework.

14. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection/buffer zones" to include ponds, hedgerows, woodland, trees other habitat as required.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts on habitats and species during construction.
- d) The location and timing of sensitive works to avoid harm to habitats and species.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person (as required).
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of biodiversity in accordance with Policy EQ5 of the High Peak Local Plan.

15. A Landscape and Ecological Management Plan for all retained habitats within the site shall be submitted to and be approved in writing by the Local Planning Authority as part of any reserved matters application. The plan shall incorporate the details provided in the ecological appraisals and the content of the plan shall include the following:

- a) Description and evaluation of features to be managed / enhanced or created.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options and methods for achieving aims and objectives.
- e) Timescales
- f) Prescriptions for management actions.
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- h) Details of the body or organisation responsible for implementation of the plan.
- i) Ongoing monitoring and remedial measures.

The plan shall also include details of the legal and funding mechanism(s) by which the longterm implementation of the plan will be secured by the developer with the management bodies



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responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan shall be implemented in accordance with the approved details.

Reason - In the interests of biodiversity in accordance with Policy EQ5 of the High Peak Local Plan.

16. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the Local Planning Authority, detailing the containment, control and removal of snowberry and variegated archangel on site. The development shall be carried out strictly in accordance with the approved protocol.

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.

#### **Informatives**

1. The Council has sought (negotiated) a sustainable form of development which complies with the provisions of paragraphs 186-187 of the NPPF.
2. The Environment Agency has discretionary powers to carry out works to a designated 'main river' for which access is required to and along the banks of the watercourse. This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the top of the bank of Otter Brook which, is designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits>.

X *B.J. Haywood*

Signed by: Ben Haywood

**On behalf of High Peak Borough Council**





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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 [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs). 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.

