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TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2010

OUTLINE PLANNING APPLICATION

PERMISSION

Applicant

Gladmans Developments Ltd
Gladman House Alexandra House
Congleton
CW12 1LB

Application no. HPK/2014/0119

Registered on 09/04/2014

Determined on 07/05/2015

Agent

High Peak Borough Council hereby **PERMIT** this application for **OUTLINE PLANNING PERMISSION** for

Proposed outline planning permission for up to 107 dwellings including landscaping and public open space at Linglongs Road, Whaley Bridge

in accordance with the submitted application, details and accompanying plans listed below and subject to the following conditions and reasons:-

Conditions

1. Approval of the details of layout, scale, appearance, access and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this planning permission.
3. The development hereby permitted shall be begun either before the expiration of 3 years from the date of this permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is later.

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4. The development hereby permitted shall comprise no more than 107 dwellings.
5. Prior to commencement of development a scheme outlining the phasing of development, including a site layout plan identifying land uses such as formal and informal open space and infrastructure, in general accordance with the details set out on the Development Framework 5660-L-03 Rev Q, shall be submitted to and approved in writing by the Local Planning Authority. In particular the layout shall provide for the retention of the existing trees on the site. The development shall be carried out in accordance with the approved phasing scheme.
6. The reserved matters application for landscaping shall be accompanied by a detailed Landscape Masterplan and Strategy to demonstrate that the landscaping proposals have taken account of and been informed by the existing landscape characteristics of the site and by any loss of existing vegetation on the site.
7. Any reserved matters application shall include a programme of archaeological field evaluation and subsequent reporting shall be carried out in line with an archaeological Written Scheme of Investigation to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:
 - a) The programme and methodology of site investigation and recording;
 - b) The programmes for post investigation assessment;
 - c) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - d) Provision to be made for archive deposition of the analysis and records of the site investigation; and
 - e) Nomination of a competent person or organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the archaeological Written Scheme of Investigation.

The development shall not be occupied until the site investigation and post investigation assessments have been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

8. No development shall take place until a mitigation scheme for protecting the proposed dwellings from traffic noise has been submitted to and approved in writing by the Local Planning Authority. No dwelling which forms part of the scheme shall be occupied until the approved works to that dwelling have been completed.
9. Before any operations are commenced (excluding site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives' and visitors' vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the local planning authority for written approval and maintained

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throughout the construction period in accordance with the approved designs free from any impediment to its designated use.

10. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. All construction work shall be undertaken in accordance with the approved Construction Method Statement, which shall include the following details:
 - (a) The method and duration of any pile driving operations (expected starting date and completion date);
 - (b) The hours of work, which shall not exceed the following:
 - Construction and associated deliveries to the site shall not take place outside 08:00 to 19:00 hours Mondays to Fridays, and 08:00 to 16:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;
 - Pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays and at no time on Saturdays, nor at any time on Sundays or Bank Holidays;
 - (c) The arrangements for prior notification to the occupiers of potentially affected properties;
 - (d) The responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
 - (e) A scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The approved dust suppression measures shall be maintained in a fully functional condition for the duration of the construction phase;
 - (f) Details of wheel washing facilities;
 - (g) Erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (h) A scheme for recycling/disposal of waste resulting from construction works;
 - (i) Details of protection measures to boundaries and features of ecological value.
11. The development hereby permitted shall not commence until such time as a scheme to limit the surface water run-off generated by the proposed development to existing Greenfield rates with attenuation up to a 1 in 100 year event, 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.
12. The development hereby permitted shall not commence until such time as a scheme to manage the risk of flooding from overland flow of surface water and the drainage of existing flows onto the site, 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

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scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

13. The development hereby permitted shall not commence until a scheme for surface water regulation, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the scheme will be maintained and managed after completion. Thereafter the development shall proceed in accordance with the approved details.
14. No development shall take place until a scheme for the foul drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details
15. The development hereby permitted shall not commence until such time as a scheme to manage the drainage of existing inflows onto the site, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details.
16. No part of the development hereby permitted shall commence on site unless and until:
 - a) a site investigation has been designed for the site using the information obtained from the desk top investigation previously submitted (5644/R1, Lees Roxburgh, Feb 2014) in respect of contamination. This shall be submitted to and approved in writing by the Local Planning Authority prior to the investigation being carried out on the site; and
 - b) the site investigation and associated risk assessment have been undertaken in accordance with the detail submitted to and approved in writing by the Local Planning Authority; and
 - c) a method statement and remediation strategy, based on the information obtained from b) above, including a programme of works have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation strategy.
 - d) a verification plan providing details of the data that will be collected in order to demonstrate that the works in the remediation strategy set out in c) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.The approved details shall be implemented as approved, and any long term monitoring and management plan shall be implemented as approved.
17. If during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority, detailing how this contamination shall be dealt with. The remediation strategy shall be implemented as approved.
18. No development or other operations including site clearance shall take place until a Biodiversity Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Management Plan shall be based on the submitted Outline Biodiversity Management Plan by FPCR (June 2014) and shall include provision for ecological retention, enhancement, implementation timetable and

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future maintenance and management. The approved Biodiversity Management Plan shall be implemented in accordance with the approved timetable and subsequently maintained in accordance with the approved details.

19. Before development commences detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds (including swifts and house sparrows) and roosting bats, including a timetable for implementation, have been submitted to and approved in writing by the local planning authority. The proposals shall be installed in accordance with the approved details and timetable and retained thereafter.
20. Before any development or other operations commence, including site clearance an assessment of the trees on the site for bat roosts shall be undertaken by a licensed bat ecologist and a report setting out any necessary mitigation plan has been submitted to and approved by the Local Planning Authority. Any approved mitigation measures shall be implemented in accordance with the approved plan and retained thereafter.
21. Before any development or other operations commence, an assessment of the badger setts on and adjacent to the site shall be undertaken and a report setting out any necessary mitigation plan shall be submitted to and approved by the Local Planning Authority. Any approved mitigation measures shall be implemented in accordance with the approved plan and retained thereafter.
22. No tree/shrub clearance works shall be carried out on the site between 1st March and 31st August inclusive, unless the site is surveyed beforehand for breeding birds and a scheme to protect breeding birds is submitted to and approved in writing by the Local Planning Authority. If such a scheme is submitted and approved the development shall thereafter only be carried out in accordance with the approved scheme.
23. Prior to the commencement of development a strategy for the control and eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures that will be used to prevent the spread of Japanese Knotweed during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root/ stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.
24. Prior to the commencement of development detailed designs for pedestrian/cycle access and in accordance with the general arrangements shown on plan ref 5660-L-03 Rev Q , including the junction arrangements at Macclesfield Road and throughout the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be laid out, designed, laid out and implemented prior the first occupation of the development in any phase hereby approved.
25. No dwelling in the development hereby approved shall be occupied until a travel plan based on the Framework Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include the objectives, targets, mechanisms and measures to achieve the targets, implementation timescales, provision for monitoring, and arrangements for a Travel Plan co-ordinator, who shall be in place

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until 5 years after the completion of the final phase of development. The approved plan shall be audited and updated and submitted for the approval of the local planning authority at intervals no longer than 18 months. The measures contained within the approved plan and any approved modifications shall be carried out in full.

26. Prior to the commencement of development a scheme to provide dedicated car parking provision to serve residents along Macclesfield Road shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the location, number of parking spaces and the finished surface details. Thereafter the approved details shall be made available for use prior to the occupation of the development in any phase hereby approved and retained solely for the parking of vehicles.
27. No trees, shrubs or hedges within the site shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.
28. 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 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, including changes in ground level, required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme.
 - e) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the Arboricultural Method StatementThe development shall proceed in accordance with the approved details.
29. Prior to the commencement of development, a scheme for site investigation works examining former coal mining activity on the application site shall be submitted to and

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approved in writing by the Local Planning Authority. The scheme shall include details of existing ground conditions and any remediation works demonstrating how the safety and stability of the site will be carried out. The development shall proceed strictly in accordance with the approved scheme.

30. No works shall take place on any phase of development until a measured survey of the site has been undertaken and a plan prepared to a scale of not less than 1: 500 showing details of the existing and intended final ground levels from a specified benchmark has been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details.
31. The development hereby approved shall not be carried out otherwise than in complete accordance with the revised plans and specifications shown on drawing no 2013-030-100-01 Rev B (Location Plan) and 5660-L-03 (Development Framework).

Reasons

1. To ensure a satisfactory standard of development, in accordance with Policy GD4 of the High Peak Saved Local Plan Policies 2008.
2. The time limit condition is imposed in order to comply with the requirements of Sections 91, 92, 93 and 56 of the Town and Country Planning Act 1990.
3. The time limit condition is imposed in order to comply with the requirements of section 92 of the Town and Country Planning Act 1990.
4. To ensure a satisfactory standard of development, in accordance with Policy GD4 of the High Peak Saved Local Plan Policies 2008.
5. To ensure a satisfactory standard of development, in accordance with Policy GD4 of the High Peak Saved Local Plan Policies 2008.
6. In the interests of visual amenity, in accordance with Policy OC4 of the High Peak Saved Local Plan Policies 2008.
7. To enable the site's archaeological remains to be properly investigated and recorded, in accordance with Policy BC10 of the High Peak Saved Local Plan Policies 2008.
8. In order that the amenities enjoyed by the occupants of the dwellings shall not be injured, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
9. In order that the amenities enjoyed by the occupants of the adjacent dwellings shall not be injured, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
10. In order that the amenities enjoyed by the occupants of the adjacent dwellings shall not be injured, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
11. To ensure a satisfactory standard of drainage and in the interests of the amenities of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

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12. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem, in accordance with paragraphs 100 and 103 of the National Planning Policy Framework.
13. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem, in accordance with paragraphs 100 and 103 of the National Planning Policy Framework.
14. To ensure a satisfactory standard of drainage and in the interests of the amenities of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
15. To ensure a satisfactory standard of drainage and in the interests of the amenities of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
16. To ensure a satisfactory standard of development, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
17. To ensure a satisfactory standard of development, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
18. To safeguard wildlife in the interests of nature conservation and in accordance with paragraph 17 and 118 of the National Planning Policy Framework. .
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22. To safeguard wildlife in the interests of nature conservation and in accordance with paragraph 17 and 118 of the National Planning Policy Framework.
23. To ensure a satisfactory standard of development, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
24. In the interests of sustainability, in accordance with Policy TR1 of the High Peak Saved Local Plan Policies 2008.
25. In the interests of sustainability, in accordance with Policy TR1 of the High Peak Saved Local Plan Policies 2008.
26. To maintain adequate on-site parking provision in the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.
27. To ensure the continued well-being of the trees in the interests of the amenity and environmental quality of the locality, in accordance with Policy GD5 and OC10 of the High Peak Saved Local Plan Policies 2008.
28. To enable proper consideration to be given to the impact of the proposed development on existing trees, in accordance with Policy OC10 of the High Peak Saved Local Plan Policies 2008.

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29. To ensure a satisfactory standard of development, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
30. To ensure a satisfactory standard of development, in accordance with Policy GD4 of the High Peak Saved Local Plan Policies 2008.
31. For the avoidance of doubt and in the interests of proper planning.

Summary of reasons for granting permission

The decision to grant planning permission has also been taken having regard to all other relevant material planning considerations and to the following relevant policies and proposals in the Development Plan.

During the course of the consideration of the application the Council entered into discussions with the applicant to ensure that the development met the concerns raised by statutory consultees. It is therefore considered that the proposals meet the provisions of paragraph 190 of the NPPF.

POLICIES RELEVANT TO THIS DECISION

High Peak Local Plan Saved Policies

GD4 - Character Form and Design
GD5 - Amenity
GD7 - Crime Prevention
GD12 - Unstable Land, Landfill and Contaminated Sites
H1 - Principles of Housing Provision
H5 - Housing within the Built up Area Boundaries
H11 - Layout and Design of residential development
H13 - Replacement Dwellings in the Countryside
OC1 - Countryside Development
OC4 - Landscape Character and Design
OC5 - Development Conspicuous from the Peak District National Park
OC8 - Sites of Importance for Nature Conservation
OC10 - Trees and Woodlands
TR1 - Transport Implications of new development
TR5 - Access, parking and design
TR13 - Long Distance and local trails
TR14 – The Protection and Construction of Trails

High Peak Local Plan Submission Version April 2014

S1 – Sustainable Development Principles
S1a – Presumption in favour of Sustainable Development
S2 – Settlement Hierarchy
S3 – Strategic Housing Development
S6 – Central Sub-Area Strategy

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- EQ1 – Climate Change
- EQ2 – Landscape Character
- EQ3 – Countryside and Green Belt Development
- EQ4 – Biodiversity
- EQ5 – Design and Place Making
- EQ6 – Built and Historic Environment
- EQ8 – Trees, woodland and hedgerows
- EQ9 – Pollution Control and Unstable Land
- EQ10 – Flood Risk Management
- H1 – Location of Housing Development
- H3 – Housing Allocations
- H5 – Affordable Housing
- CF3 – Local Infrastructure Provision
- CF4 – Open Space , Sports and Recreation Facilities
- CF6 – Accessibility and Transport
- CF7 – Planning Obligations and Community Infrastructure Levy

National Planning Policy Framework (NPPF)

Core Planning Principles;

- Section 4 Promoting sustainable transport
- Section 6 Delivering a wide choice of high quality homes;
- Section 7 Requiring good design;
- Section 8 Promoting Healthy Communities;
- Section 11 Conserving and enhancing the natural environment;

Notes to Applicant

1. Public Right of Way 57 crosses the site. The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. A temporary closure of the footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information may be obtained by contacting Simon Riddington (01629 539798) in the Rights of Way Section.
2. The watercourse located through the site is an ordinary watercourse. The Lead Flood Authority (Derbyshire County Council) should confirm that any proposed works to or adjacent to this watercourse are acceptable.
3. Where development is proposed over areas of coal and past coal workings at shallow depth the Coal Authority is of the opinion that applicants should consider wherever possible removing the remnant shallow coal. This will enable the land to be stabilised and treated by a more sustainable method rather than by attempting to grout fill any voids and consequently unnecessary sterilising the nation's asset. Prior extraction of surface coal requires an Incidental Coal Agreement from the Coal Authority.
4. Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes and/or any subsequent treatment of coal mine workings/coal mine entries for

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ground stability purposes require the prior written permission of the Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass with the potential for court action.

5. The applicants attention is drawn to the content of the letter from United Utilities dated 1st May 2014.

Plans

The plans to which this Notice refers are listed below:

2013-030-100-01 Rev B (Location Plan) and 5660-L-03 (Development Framework).

Please Note: This decision notice does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

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.

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.

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.

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