

Mr T Wing
Stamford Wing Chartered Surveyors
5 Bower Gardens
Stalybridge
Cheshire
SK15 2UY



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Cheshire
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Mr R Hene
Sheba (Manchester) Ltd
c/o Stamford Wing
5 Bower Gardens
Cheshire
SK15 2UY

Application no: HPK/2017/0002

Determined on: 18/05/2017

**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:

Land North East Of Potters House Dinting Lane Dinting Glossop Derbyshire

Description of Development:

Erection of 1no detached and 1no pair semi detached dwellings (resubmission of HPK/2016/0160)

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 the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: j015451 00a; 04b; 05a and 07b.

Reason:- For the avoidance of doubt and in the interests of proper planning.

3. No development shall be commenced until details of the external facing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details and completed prior to the first occupation of the dwellings.

Reason:- In the interests of the visual appearance of the development and the amenities of the area.





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4. No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods and chimneys have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:- In the interests of the visual appearance of the development and the amenities of the area.

5. Prior to the commencement of development details of all boundary treatments both within and surrounding the site and all hard landscaping shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment and shall be completed in accordance with the design details as subsequently approved prior to the first occupation of the development.

Reason:- In the interests of the visual appearance of the development and the amenities of the area.

6. Before the commencement of development (including any demolition, site clearance, stripping or site establishment), a fully detailed landscaping scheme shall be submitted to and approved by the Local Planning Authority. Such a scheme shall include full details of any new tree, shrub, hedge, herbaceous and grass planting, giving specification for species, positions, planting sizes and numbers/densities of all new planting. The landscaping scheme so approved shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. The trees, shrubs and other plants which are planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.

Reason:- In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties.

7. The development hereby permitted shall not be commenced until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details.

Reason:- In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties.

Environmental Matters

8. Prior to the commencement of development, a Construction and Environmental Method Statement for the site shall be submitted to and approved in writing by the Local Planning Authority. It shall include the following details:-

- I. The method and duration of any pile driving operations (expected starting date and completion date);





- II. 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 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;
- III. Pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;
- IV. The arrangements for prior notification to the occupiers of potentially affected properties;
- V. The responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
- VI. 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;
- VII. Details of wheel washing facilities. All construction vehicles shall have their wheels cleaned before leaving the site;
- VIII. A scheme for recycling/disposal of waste resulting from the construction works;
 - IX. The parking of vehicles of site operatives and visitors;
 - X. The loading and unloading of plant and materials;
 - XI. The storage of plant and materials used in constructing the development;
 - XII. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; and,
 - XIII. Installation and maintenance of wheel washing facilities.

All works shall be carried out in accordance with the approved method statement.

Reason:- In order to ensure a satisfactory level of amenity in respect of the site's relationship to adjoining properties/land during construction.

9. 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 10 to 13 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 13 has been complied with in relation to that contamination.

10. 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,



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- 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'.

11. 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.

12. 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 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.

13. 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 10, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 11, which is subject to the approval in writing of the Local Planning Authority. 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 12.

14. 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 validity evidence submitted to and approved in writing to by the Local Planning Authority.

Reason:- (common to 9-14): To ensure that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.





15. No development shall commence until a scheme for protecting the housing development, hereby approved from noise, has been submitted to and approved in writing by the local planning authority. No dwelling or residential unit, hereby approved, shall be occupied or brought into use until all works that form part of the approved scheme have been fully implemented and completed. The submission for approval shall include details of windows, openings and means of ventilation in the buildings hereby approved and ensure the following noise levels are not exceeded and shall apply to all residential properties prior to occupation within the development hereby approved:

- An internal noise level for habitable rooms during the day (0700-2300hrs) of 35dB(A)LAeq,16hrs

- An internal noise level for bedrooms during the night (2300-0700hrs) of 30dB(A)LAeq,8hrs and 45dB(A)LAm_{ax}

- Noise levels within external living areas such as balconies, terraces and gardens during the day (0700-2300hrs) of 50dB(A)LAeq,16hrs

The internal noise levels shall be achieved with windows shut and other adequate means of ventilation provided, in accordance with current necessary requirements.

Reason:- To protect occupiers from noise and safeguard their residential amenities.

Highways

16. No development shall commence until details of a visibility sightline from the proposed access has been submitted to and approved in writing by the Local Planning Authority. The area 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 prior to the first occupation of any dwelling.

Reason:- In the interests of highway safety.

17. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the approved application drawings for the parking/ manoeuvring of residents/ visitors vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason:- In the interests of highway safety.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and/or re-enacting that Order) the car parking spaces hereby permitted shall be retained as such and shall not be used for any purpose other than the parking of private motor vehicles associated with the residential occupation of the properties without the grant of further specific planning permission from the Local Planning Authority.

Reason:- In the interests of highway safety.

19. There shall be no gates or other barriers within 6.0m of the nearside highway boundary and any gates shall open inwards only, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- In the interests of highway safety.

20. No part of the development shall be occupied until details of arrangements for storage of



bins and collection of waste have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

Reason:- In the interests of highway safety.

21. Installation of the proposed drainage system, to prevent the discharge of water from the development onto the highway, shall be completed in entirety to the satisfaction of the Local Planning Authority prior to the first use of the access and retained as such thereafter.

Reason:- In the interests of highway safety.

Drainage

22. The development hereby permitted shall not be commenced until such time as a scheme for the provision of surface water drainage works, based on sustainable drainage principles incorporating surface water limitation, has been submitted to and approved in writing by the Local Planning Authority along with a timetable for implementation. The drainage works shall be completed in accordance with the agreed details and timetable.

Reason:- To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

Removal of Permitted Development

23. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 1995 (as amended by The Town and Country Planning (General Permitted Development) Order 2015), or any Order revoking or re-enacting or amending that Order with or without modification, no development within Schedule 2 Part 1, Classes A-H and Parts 2 shall take place on the dwelling house(s) hereby permitted or within their curtilages unless a further planning permission has first been granted on application to the Local Planning Authority.

Reason:- In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties/land.

Ecology/Trees

24. No development shall begin during the bird nesting season (1 March – 31 August inclusive) unless it has been demonstrated in a report to be submitted to and approved in writing by the Local Planning Authority, following inspection by a suitably qualified ecological consultant, that affected buildings, trees, shrubs or hedgerow are not in active use by nesting birds. If nested birds are located, work shall cease on that part of the site until nesting is completed and fledged young have departed the site and this has been confirmed in writing to the Local Planning Authority by the appointed ecologist.

Reason:- In the interests of nature conservation.

25. Before development begins (including any works of demolition and site clearance) temporary protective fencing and advisory notices for the protection of the existing trees to be retained, shall be erected in accordance with guidance in British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations. Such measures shall be retained in position for the duration of the construction period. Within the



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fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires.

Reason:- In the interests of tree protection.

Informative(s)

- a) This determination is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. 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.
- b) The application site is affected by a Public Right of Way (Footpath number 120 Glossop on the Derbyshire Definitive Map). 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. Advice regarding the temporary (or permanent) diversion of such routes may be obtained from the Strategic Director of Economy Transport and Community at County Hall, Matlock (tel: 01529 580000 and ask for the Rights of Way Officer).

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council





NOTES

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



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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.

