

Mr Tim Stubbins
Mitchell Proctor
5 Meadow View Peak Gateway Business Park
East Moor
Chesterfield
S42 7DA



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Mitchell Proctor
5 Meadow View Peak Gateway Business Park
East Moor
Chesterfield
S42 7DA

Mr King
28 Buxton Road
Stockport
SK6 8BH

Application no: HPK/2017/0225

Determined on: 18/07/2017

**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:

Kirkstones Land Adjacent Garrison Road Birch Vale Derbyshire

Description of Development:

Proposed extension and conversion of redundant outbuilding to form dwelling (amendment to HPK/2015/0304)

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. No development shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
Reason:- In the interests of visual amenity, in accordance with policies EQ3 and EQ6 of the High Peak Local Plan.
3. No works shall take place on site until details of windows, including glazing bar details at a scale of 1:20, together with details of the door joinery, have been submitted to and approved in writing by the local planning authority. The development shall





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proceed in accordance with the approved details.

Reason:- In the interests of visual amenity, in accordance with policy EQ6 of the High Peak Local Plan.

4. The dwelling, the subject of this application, shall not be occupied until space has been provided within the site curtilage for the parking of vehicles, designed, laid out and constructed in accordance with the approved plans. The designated parking area shall be maintained throughout the life of the development free from any impediment to its designated use.
Reason:- To ensure adequate car parking provision within the site in accordance with the adopted standards of the local planning authority and in accordance with policy CF6 of the High Peak Local Plan.
5. Any gates shall open inwards only.
Reason:- In the interests of highway safety in accordance with policy CF6 of the High Peak Local Plan.
6. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include the number, sizes and species of the proposed planting; the proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipments, refuse or other storage units, lighting etc); proposed and existing functional services above and below ground (eg. drainage power, communications, cables, pipelines etc. indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant.
Reason:- In the interests of visual amenity, in accordance with policy EQ6 of the High Peak Local Plan.
7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the buildings and no later than 12 months of that occupation or the completion of the development, whichever is sooner, and any trees or plants which within a period of 5 years from the completion of the approved scheme 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 the local planning authority gives written consent to any variation.
Reason:- In the interests of visual amenity, in accordance with policies EQ3 and EQ6 of the high peak Local Plan.
8. 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 in accordance with the approved details before the use hereby permitted is commenced.
Reason:- In the interests of visual amenity, having regard to policies EQ3 and EQ6 of



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the High Peak Local Plan.

9. The window at first floor level on the south elevation shall be glazed with obscured glass. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or as subsequently may be amended or re-enacted) this/these window(s) shall not be re-glazed with any transparent materials or enlarged or otherwise altered, nor shall any additional door, window or other opening be formed in that elevation unless a further planning permission has first been granted on application to the Local Planning Authority.
Reason:- In the interests of residential amenity, in accordance with policy EQ6 of the High Peak Local Plan.
10. Prior to any development commencing an evening/dawn activity survey for bats shall be carried out and the results, along with any necessary mitigation measures shall be submitted to and approved in writing by the local planning authority. The mitigation shall include, inter alia, details of methods for the removal of the guttering and external fascia boards. The development shall be carried out in accordance with the approved mitigation measures.
Reason:- To safeguard wildlife in the interests of nature conservation.
11. No development shall commence until details of suitable bat box(s), including the position and design to be erected at the site is submitted to and approved in writing by the local planning authority. The bat box(s) shall be erected in accordance with the approved details and prior to the first occupation of the dwelling hereby approved.
Reason:- To safeguard wildlife in the interests of nature conservation.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order), no development (as defined by Section 55 of the Town and Country Planning Act 1990) as may otherwise be permitted by virtue of Class(es) A, B, C, D, E, F, G of Part 1 of Schedule 2 of the Order shall be carried out within the site unless a further planning permission has first been granted on application to the local planning authority.
Reason:- To enable the Council to exercise control over future developments at the site, in accordance with Policy EQ3 and EQ6 of the High Peak Local Plan.
13. The development hereby permitted shall be carried out in accordance with drawing number 16/640/C dated 19th April 2017.
Reason:- For the avoidance of doubt.
14. The doors and windows to be installed as part of the development hereby permitted shall be fabricated in timber and painted in a colour to be agreed in writing by the local planning authority. Rainwater goods shall be fabricated in metal and finished in black and any rooflights shall be conservation style rooflights fitted as flush as possible with the roof covering unless the the Local Planning Authority gives written consent to any variation.
Reason:- In the interests of visual amenity, in accordance with policies EQ3 and EQ6 of the high peak Local Plan.





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Informative

1. This is considered to constitute a sustainable form of development and so accords with the objectives of the NPPF.

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.