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Mr Crosland
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B16 8TP

Application no: HPK/2017/0006

Determined on: 16th November 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 off Brown Edge Road Buxton Derbyshire

Description of Development:

Variation of Condition 2 (amended plans) in relation to planning permission HPK/2014/0372 (Proposed Construction of 53 Extra Care Apartments, 16 Ensuite Bedroom Specialist Residential Dementia Care Wing with associated Communal Facilities, including Lounges, Dining Rooms, Activity Spaces and Day Opportunities Centre, External Landscaping and Car Parking)

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 carried out in accordance with the following approved plan drawings:

- A100 - Location Plan
- A102 Rev L - Proposed Site Plan
- A103 Rev K - Ground Floor Plan
- A104 Rev H - First Floor Plan
- A105 Rev F - Second Floor Plan
- A106 Rev F - Roof Plan
- A200 - South East Elevation - Road
- A201 Rev C - North East Elevation
- A202 Rev B - South West Elevation
- A203 Rev B - North West Elevation
- A204 Rev A - North East Courtyard Elevation





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- A205 Rev A - South West Courtyard Elevation
- A206 - South East Elevation - DCC and Parking
- A207 Rev A - South East Elevation - Extra Care
- A208 - North East Elevation from Playing Field
- A010 Rev C Entrance Gabion (locally sourced stone) and Fence
- A011 Rev A Car Park and Service Yard, Gabion(locally sourced stone) and Fence
- Substation ES352-A2-016/02J

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

2. Development shall be undertaken in accordance with the following approved details:

- **External Facing Materials**

Coursed Split faced Natural Derbyshire Stone or suitable alternative - Marshalls Stanton Moor Split.

Reconstituted Stone (in courtyard only) - Marshalls Cromwell Fine Faced Split Face Buff –.

Coursed Ashlar Deryshire Stone or similar alternative - Birchover Quarry wallstone.

Timber Cladding - Tongue and Groove Cedar Cladding.

Reconstituted Slate Tiles. Marshalls Rivendale or similar approved - Marley Eternit Rivendale Black/Blue.

- **Window Colour / Finish**

Dark Grey 7016

- **Boundary Treatments**

Fence and Gate Types A414 Rev C5

- **Hard Surfacing**

Brett Paving Yorktone 50mm 450x450mm thick buff textured and buff ground to pedestrian areas to the front of the building.

Brett Paving Omega Paving Sets in Brindle for car park spaces.

- **Bin Store(s)**

Bin store, drawing a413 Rev C1.

- **Landscaping**

L8417_01F – Soft Landscaping Details – Sheet 1

L8417_02F - Soft Landscaping Details – Sheet 2

L8417_03E - Soft Landscaping Details – Sheet 3

L8417_04A - Soft Landscaping Details – Sheet 4

Reason:- In the interests of visual amenity, in accordance with Policy EQ6 of the Adopted High Peak Local Plan Policies 2016.

3. Development shall be undertaken in accordance with the following approved levels plan drawing: 12461-210 Rev L Private Levels Layout.

Reason:- In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties in accordance with policies EQ6 of the High Adopted Peak Local Plan Policies 2016.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner and any trees or plants which within a period of 5 years from the completion of the development die, are removed or



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become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:- In the interests of the visual appearance of the development in accordance with Policy EQ6 of the High Peak Local Plan Policies 2016.

5. The new vehicular and pedestrian accesses to be created to Brown Edge Road shall be carried out in accordance with the approved drawing 12461-100 Rev C with the approved exit visibility splays in either direction, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1.0m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

Reason:- In the interests of highway safety in accordance with policy CF6 of the High Peak Adopted Local Plan Policies 2016.

6. The premises, the subject of the application, shall not be taken into use until space has been provided within the application site in accordance with the approved drawings for the parking / loading and unloading / picking up and setting down passengers / manoeuvring of residents / visitors / staff / customers / service and delivery vehicles (including secure covered cycle parking), 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, in accordance with Policy CF6 of the Adopted High Peak Adopted Local Plan Policies 2016.

7. There shall be no gates or other barriers within 5.0m of the nearside highway boundary and any gates shall open inwards only.

Reason:- In the interests of highway safety, in accordance with Policy CF6 of the Adopted High Peak Adopted Local Plan Policies 2016.

8. The proposed access drive from Brown Edge Road shall be no steeper than 1 in 14 for the first 5.0m from the nearside highway boundary and 1 in 10 thereafter.

Reason:- In the interests of highway safety, in accordance with Policy CF6 of the Adopted High Peak Adopted Local Plan Policies 2016.

9. The premises, the subject of the application, shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable) to promote travel by sustainable modes which are acceptable to the Local Planning Authority and shall be implemented in accordance with the timetable set out therein, unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually, on each anniversary of the date of the planning consent to the Local Planning Authority for approval for a period of five years from first occupation of the development.

Reason:- In the interests of sustainability, in accordance with Policy CF6 of the Adopted High Peak Adopted Local Plan Policies 2016.

10. Within 3 months of the date of this consent, and unless otherwise agreed in writing by the Local Planning Authority, a method statement and remediation strategy for the site, based on the information obtained from GRM Site Appraisal (12/05/2016); Gas Report (21/09/16); GI Reports (12/08/16) and Remediation Method Statement Strategy and Contamination Risk



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Assessment (25/10/16), including a programme of works shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be occupied until the remediation strategy has been implemented in accordance with the approved details.

Reason:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks in accordance with Policy EQ10 of the Adopted High Peak Adopted Local Plan Policies 2016 and the provisions of Section 10 of the National Planning Policy Framework.

11. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. Development shall not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exists to any identified receptors, development shall not commence until 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 has been prepared and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved remediation has been undertaken and a verification report submitted to and approved in writing by the Local Planning Authority

Reason:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks in accordance with Policy EQ10 of the Adopted High Peak Adopted Local Plan Policies 2016 and the provisions of Section 10 of the National Planning Policy Framework.

12. Prior to bringing the development into first use, all soils that are intended to be used for the soft landscaping / communal areas shall be tested for contamination and assessed for their suitability for the proposed use. Prior to sampling, a suitable methodology for testing the soil shall be submitted to and agreed in writing by the Local Planning Authority and shall include the sampling frequency, testing schedules and criteria against which the analytical results will be assessed. Thereafter, the results of the soil tests shall be submitted to and approved in writing by the Local Planning Authority. If the soil results indicates that a potential risks exists, development shall not commence until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been prepared and approved in writing by the Local Planning Authority. No development shall take place except in completed accordance with the approved remediation strategy.

Reason:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks in accordance with Policy EQ10 of the Adopted High Peak Adopted Local Plan Policies 2016 and the provisions of Section 10 of the National Planning Policy Framework.



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13. No lighting, including security or floodlighting shall be installed on the site except in accordance with a fully detailed lighting scheme which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason:- In order to protect the amenities of the area, in accordance with Policies EQ6 and EQ10 of the Adopted High Peak Local Plan Policies 2017.

14. The development hereby permitted shall be commenced and implemented in accordance with the approved drainage plans 12461-240 Rev G Proposed Drainage Layout, 12461-245 Proposed Drainage Details and 12461-246 Rev A Proposed Drainage Details for the disposal of surface water and foul sewage before the development is first brought into use.

Reason:- 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 and to minimise the risk of pollution, in accordance with Policy EQ11 of the Adopted High Peak Local Plan Policies 2017.

15. The development hereby permitted shall take place in accordance with the approved Construction and Environmental Method Statement for the site as follows: Traffic Management Plan - V1, SF-ENV-09-WRAP-SITE-WASTE MANAGEMENT-PLAN and Buxton Keepmoat - 3947_001-KM STATEMENT.

Reason:- In order to protect the amenities of the area, in accordance with Policies EQ10 and CF6 of the High Peak Adopted Local Plan Policies 2016.

16. The development hereby permitted shall take place in accordance with the following approved Arboricultural Method Statement and Protection Scheme: Ecus 4616 Tree Survey Report v01 and Ecus L4616_01 Tree Survey and Tree Constraints Plan, Reissued Tree Survey Report V02 and 09/11/16: L4616_02 Tree Protection Plan A2 Landscape.

Reason:- To ensure the continued well-being of the trees in the interests of the amenity and environmental quality of the locality, in accordance with Policies EQ6 and EQ9 of the Adopted High Peak Local Plan Policies 2017.

17. No tree/shrub clearance work shall be carried out between 1st March and 31st August inclusive in any year, unless the site has been surveyed in advance for breeding birds and the results along with a scheme to protect breeding birds has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved protection scheme.

Reason:- To safeguard wildlife in the interests of nature conservation, in accordance with Policy EQ5 of the Adopted High Peak Local Plan Policies 2017.

18. The development hereby permitted shall take place in accordance with the following approved mitigation scheme for the appropriate roosting provision of bats into the fabric of the building approved, document reference: Ecus DB/7687/BBP.

Reason:- To safeguard wildlife in the interests of nature conservation, in accordance with Policy EQ5 of the Adopted High Peak Local Plan Policies 2017.

19. Development shall be carried out in accordance with the approved mitigation scheme providing for the containment, control and removal of Japanese Knotweed, including maintenance schedules and a timetable for implementation within the application site,



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document reference: Japanese Knotweed Full Works Method Statement and drawing JK16-1846-01 Rev A.

Reason:- To safeguard wildlife in the interests of nature conservation, in accordance with Policy EQ5 of the Adopted High Peak Local Plan Policies 2017.

Informative(s)

1. The Council has sought (negotiated) a sustainable form of development which complies with the provisions of paragraphs 186-187 of the NPPF.
2. This permission shall be read in conjunction with an Agreement made under Section 106 of The Town and Country Planning Act, 1990 and dated the 17th October 2017.
3. In relation to the bird and bat boxes for trees, DWT advise that for the: 1MR Schwegler Avianex cleaning is required and for the 2F bat box – both inspection and cleaning of an occupied box will be required and must be carried out by a licensed professional.

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.