

Mrs Fiona Heathcote  
Heathcote Design & Development  
1 Kinnaird Gardens  
Buxton  
Derbyshire  
SK17 9BF



**High Peak Borough Council**  
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1 Kinnaird Gardens  
Buxton  
Derbyshire  
SK17 9BF

Ms Bates  
13 Warmbrook Road  
Chapel-En-Le-Frith  
Derbyshire  
SK23 0NL

Application no: HPK/2016/0275

Determined on: 29/07/2016

**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:**

13 Warmbrook Road Chapel-En-Le-Frith Derbyshire SK23 0NL

**Description of Development:**

Proposed detached dwelling

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. The development hereby permitted shall be carried out in accordance with the following approved plans: 02.01 Rev A, 03.01 Rev A, 03.02 Rev A, 03.03.

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

3. No development shall commence until samples of the materials to be used in the construction of external walls and roofs of the building and hard surfaces have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in complete accordance with the approved materials.





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Reason:- In the interests of visual amenity and the character and appearance of the area in accordance with Policy EQ6 of the High Peak Local Plan Policies 2016 and the National Planning Policy Framework.

4. Notwithstanding any information shown on the approved plans no works shall commence until full details of the external doors and windows at a scale of not less than 1:10 including materials and colour finishes have been submitted to and agreed in writing by the Local Planning Authority. The work shall be completed in strict accordance with the agreed details.

Reason:- In the interests of visual amenity and the character and appearance of the area in accordance with Policy EQ6 of the High Peak Local Plan Policies 2016 and the National Planning Policy Framework.

5. 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 building(s) are occupied.

Reason:- In the interests of visual amenity and the character and appearance of the area in accordance with Policy EQ6 of the High Peak Local Plan Policies 2016 and the National Planning Policy Framework.

6. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include: (a) indications of all existing trees and hedgerows on the land; (b) details of any to be retained, together with measures for their protection in the course of development; (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works; (d) finished levels and contours; (e) means of enclosure; (f) car park layouts; (g) other vehicle and pedestrian access and circulation areas; (h) hard surfacing materials; (i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc); (j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc); (k) retained historic landscape features and proposed restoration, where relevant.

Reason:- To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features, in the interests of visual amenity, in accordance with Policy EQ6 of the High Peak Local Plan Policies 2016 and the National Planning Policy Framework.

7. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the



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building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, 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 otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason:- To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features, in the interests of visual amenity, in accordance with Policy EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

8. Before any operations are commenced, space shall be provided within the site curtilage for site accommodation, storage of plant and materials, designed, laid out and constructed in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority in advance of construction work commencing and maintained free from impediment throughout the duration of construction works. Additionally there shall be no deliveries of building materials/plant or equipment at school arrival and leaving times i.e. mornings 8:15 to 9:15am, lunchtimes 11:45am - 13:15pm and afternoons 14:45pm - 15:45pm.

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

9. Before any operations are commenced (excluding above), a new access shall be created in accordance with the application drawings, laid out, constructed and provided with pedestrian visibility sightlines of 2m x 2m x 45°, the area in advance of the sightlines being kept clear, in perpetuity, of any planting above 600mm or structure in excess of 1m, measured above the adjacent carriageway channel.

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

10. The dwelling, the subject of the application, shall not be occupied until 2 on-site parking spaces (each measuring a minimum of 2.4m x 4.8m) have been provided for in accordance with the application drawings laid out and constructed as may be agreed with the Local Planning Authority and maintained thereafter free from any impediment to designated use.

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

11. The access shall not be gated.



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

12. Prior to the occupation of the dwelling hereby approved, adequate bin storage and a bin dwell area for use on refuse collection days shall be provided as per the application drawings clear of the public highway, within the site curtilage clear of all access and parking and turning provision and retained thereafter free from impediment to designated use.

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

13. Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times of operations.
- 08:00 - 18:00 hours (Monday to Friday);
  - 08:00 - 13:00 hours (Saturday)
  - No working is permitted on Sundays or Bank Holidays.

In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.

Reason: - To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours in accordance with High Peak Local Plan 2016 Policy EQ6.

14. In the event that soil 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 agreed 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 is subject to the approval in writing of the local planning authority. Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, 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.

Reason:- To ensure that the proposed development meets the requirements of the National Planning Policy Framework and Policy EQ10 of the High Peak Local Plan 2016 in 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.



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15. Any windows on the east and west gable elevations shall be glazed with obscured glass and shall be permanently maintained in that condition.

Reason:- To safeguard the privacy of both the occupants of the adjacent property and of the development hereby approved, in accordance with Policy EQ6 of the High Peak Local Plan Policies 2016 and paragraph 17 of the National Planning Policy Framework.

16. 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-E 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 the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements, in accordance with Policy EQ6 of the High Peak Local Plan Policies 2016 and the National Planning Policy Framework

### **Informative**

The Council has sought a sustainable form of development which complies with the provisions of paragraphs 186-187 of the NPPF.

1. The attention of the applicant is drawn to the contents of the attached letter as part of the planning application from United Utilities dated 06/06/2016.

2. Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

- Any approved noise scheme and measurements should pay due regard to British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice) and the Building Regulations 2014 Document E or other appropriate guidance.

- During any demolition and construction activities (including landscaping) the contractor should take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.

- The control of dust and emissions from construction and demolition Best Practice Guidance, produced by the greater London councils  
<http://www.london.gov.uk/sites/default/files/BPGcontrolofdustandemissions.pdf>





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- Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456)
- If required, contamination risk assessments shall be carried out in accordance with UK policy and with the procedural guidance relating to the contaminated land regime, and should be in accordance with Planning Policy Statement 23 and the CLR Report Series 1-12.
- Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.
- The Local Planning Authority will determine the acceptability of reports on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post development, where the applicant had prior knowledge of the contamination, the applicant is likely to be liable under Part II (a) of the Environmental Protection Act 1990 and as such become and ""appropriate person"". In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.
- Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this, the applicant or those acting on behalf of the applicant will be liable under part II (a) of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.
- During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public property and the environment are protected against noise, dust, odour and fumes
- The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of in an appropriately licensed landfill site.
- HPBC is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is forwarded to the Environmental Protection Department and agreed in principle prior to site investigation works being undertaken. The Environmental Protection Department is also prepared to review draft copies of reports prior to final submission to the Planning Department in order to ensure that works undertaken are sufficient to discharge the contaminated land conditions.



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X *B.J. Haywood*

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Signed by: Haywood, Ben

**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](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



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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.