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High Peak Borough Council

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Mr & Mrs Spilane
Higher Brook House Farm Brook House
Drive
Buxton
SK17 7HW

Application no: HPK/2017/0592

Determined on: 13/03/2018

**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:

Higher Brook House Farm Brook House Drive Fairfield Buxton Derbyshire SK17 7HW

Description of Development:

Erection of 15 Kennel canine boarding kennels and associated accommodation

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):

Time Limits

1. The development hereby approved shall commence before the expiration of 3 years from the date of this permission

Reason:- To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved Plans

2. The development hereby permitted shall be carried out in accordance with the approved plans:

- Location Plan and Proposed Plans Elevations drawing ref. NSB02 A3189 – 001
- Site Plan drawing ref. NSB02 A3189 – 002 Rev F
- Roof – Juniper Green Insulated Profile Sheet Cladding
- Externally Mounted Yorkshire Boarded Cladding
- Window / Doors– Grey uPVC frames





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- Blue engineering brick plinths

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

Levels

3. The finished floor level of the building hereby permitted shall not be constructed more 0.6 metres above ground level as specified in the 'Final Planning Matters Document' submitted on the 7th March 2018.

Reason:- For the avoidance of doubt and in the interests of visual amenity in accordance with Policies EQ2 of the Adopted High Peak Local Plan.

Fencing

4. The natural larch lap fencing to the boundary of the dog exercise area as demarcated on Site Plan drawing ref. NSB02 A3189 – 002 Rev F shall not exceed more than 1.5 metres in height above ground level. All walling and fencing shown on the approved plans shall be completed prior to the first occupation of the building.

Reason:- For the avoidance of doubt and in the interests of visual amenity in accordance with Policies EQ2 of the Adopted High Peak Local Plan.

Landscaping / Tree Protection

5. The planting plan as shown on NSB02 A3189 – 002 Site Plan Rev F 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 grass 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:- For the avoidance of doubt and in the interests of visual amenity in accordance with Policy EQ2 of the Adopted High Peak Local Plan.

Amenity

6. Rated noise levels (where these levels exceed background noise levels) from the site shall not exceed the following criteria when measured (or calculated) at the boundary of any current residential property:

- 50dB LAeq,1hrs (freefield), during the day (0700-2300hrs)
- 45dB LAeq,15mins (freefield), and 45dB(A)LAmax, during the night (2300-0700hrs)

All measurement, rating and calculations shall be undertaken in accordance with BS4142:2014.

Reason:- For the avoidance of doubt and in the interests of residential amenity in accordance with Policies EQ6 and EQ10 of the Adopted High Peak Local Plan.

7. The kennel building shall be constructed or modified to provide sound insulation against internally generated noise in accordance with the recommendations as detailed within the Aspen Environmental Ltd ref: L2390 report dated the 11th Feb 2018. The sound insulation



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works shall be fully implemented prior to the first use of the development hereby approved. The sound insulation scheme shall ensure a sound reduction of not less than 28dB(A) with all window and door openings closed and external kennel runs closed. The insulation shall be maintained thereafter.

Reason:- For the avoidance of doubt and in the interests of residential amenity in accordance with Policies EQ6 and EQ10 of the Adopted High Peak Local Plan.

8. The number of boarding dogs to be kept on the premises at any one time shall not exceed 30.

Reason:- For the avoidance of doubt and in the interests of residential amenity in accordance with Policies EQ6 and EQ10 of the Adopted High Peak Local Plan.

9. The dogs to be boarded in the kennels hereby approved shall not be allowed into any external run or outside exercise area between the hours of 19.00 and 07.00hrs on any day. The kennel door separating the sleeping area from the run shall be of a solid construction to limit sound transmission.

Reason:- For the avoidance of doubt and in the interests of residential amenity in accordance with Policies EQ6 and EQ10 of the Adopted High Peak Local Plan.

10. The kennels shall only be open to customers for the purposes of dog boarding by means of appointment only between the hours of 07.00 and 19.00hrs on any day. Deliveries to and other operations from the premises shall only occur between these times.

Reason:- For the avoidance of doubt and in the interests of residential amenity in accordance with Policies EQ6 and EQ10 of the Adopted High Peak Local Plan.

11 The kennels business hereby permitted shall only be operated by person(s) who reside at Higher Brook House Farm, Brook House Drive, Buxton, SK17 7HW and the business shall not be sold off or let separately.

Reason:- For the avoidance of doubt and in the interests of residential amenity in accordance with Policies EQ6 and EQ10 of the Adopted High Peak Local Plan.

12. The construction and associated deliveries hours of work to the site shall not take place outside the hours of 07:00 to 19:00hrs Mondays to Fridays, and 08:00 to 16:00hrs on Saturdays nor at any time on Sundays or Bank Holiday.

Reason:- For the avoidance of doubt and in the interests of residential amenity in accordance with Policies EQ6 and EQ10 of the Adopted High Peak Local Plan.

Highways

13. Before any operations are commenced, the space shall be provided within the site's curtilage for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading / unloading and manoeuvring of goods vehicles in accordance with Construction Revision Layout Revision A. The works shall thereafter be maintained free from impediment throughout the duration of construction works.

Reason:- For the avoidance of doubt and in the interests of highway safety in accordance with Policy CF6 of the Adopted High Peak Local Plan.



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14. Before any operations are commenced, the access shall be modified in accordance with the approved application drawings and provided with visibility sightlines of 2.4m x 120m. The area in advance of these sightlines shall be maintained free from all obstructions greater than 1m in height.

Reason:- For the avoidance of doubt and in the interests of highway safety in accordance with Policy CF6 of the Adopted High Peak Local Plan.

15. The first 12m of the access shall be a minimum of 5m in width and shall be laid out and constructed in a solid bound material.

Reason:- To reduce the likelihood of mud and other extraneous materials being carried out onto the adjacent classified road i.e. the A6 and in the interests of highway safety in accordance with Policy CF6 of the Adopted High Peak Local Plan.

16. The access shall not be gated within 12m of the highway limits and where fitted, gates shall open inwards into the site only.

Reason:- For the avoidance of doubt and in the interests of highway safety in accordance with Policy CF6 of the Adopted High Peak Local Plan.

16. The premises, the subject of this permission, shall not be occupied until at least 2 on-site parking spaces (each measuring a minimum of 2.4m x 4.8m) and an area for turning have been provided for in accordance with the approved drawings and shall thereafter be maintained thereafter free from any impediment to designated use.

Reason:- For the avoidance of doubt and in the interests of highway safety in accordance with Policy CF6 of the Adopted High Peak Local Plan.

17. Prior to the first occupation of the development adequate bin storage and a bin dwell area for use on refuse collection days shall be provided 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:- For the avoidance of doubt and in the interests of highway safety in accordance with Policy CF6 of the Adopted High Peak Local Plan.

Nature Conservation

18. The detailed lighting strategy to safeguard bats as specified in the 'Final Planning Matters Document' submitted on the 7th March 2018 shall be implemented in full prior to the first occupation of the building. At any one time, the intensity of the illumination of exterior lighting shall be no greater than that recommended by the Institution of Lighting Engineers (for a site within Zone E2) in their Technical Report No.5 (Third Edition-2001)".

Reason:- For the avoidance of doubt and in the interests of nature conservation in accordance with Policy EQ5 of the Adopted High Peak Local Plan.

19. Before the commencement of development (including any site clearance, stripping, site establishment, formation of new access and removal of existing access) 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 and shall be retained in position for the duration of the period that development takes place unless otherwise agreed in writing



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by the Local Planning Authority. Within the 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 unless otherwise agreed in writing by the Local Planning Authority.

Reason:- For the avoidance of doubt and in the interests of nature conservation in accordance with Policy EQ5 and EQ8 of the Adopted High Peak Local Plan.

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.

Nature Conservation

2. To provide an enhancement for site biodiversity, Derbyshire Wildlife Trust encourage the installation of two tree-mounted bat boxes within the adjacent woodland e.g. 2F Schwegler bat box with double front panel or similar.

Highways

3. Under Section 151, Highways Act 1980, the applicant must take all steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.

4. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Communities at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via email highways.hub@derbyshire.gov.uk or telephone Call Derbyshire on 01629 533190 or via the County Council's website http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp.

5. Construction works on the access are likely to require Traffic Management and advice regarding procedures should be sought from Dave Bailey, Traffic Management on 01629 538686.

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council

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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.