

BDW Homes



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Emery Planning Partnership
Hobson Street
Macclesfield
Cheshire
SK11 8BS

BDW Homes

Application no: HPK/2017/0694

Determined on: 03.10.2018

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015

GRANT OF OUTLINE PLANNING PERMISSION

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.

Location of Development:

Land At Linglongs Road Whaley Bridge Derbyshire

Description of Development:

Variation of conditions 5, 24 and 31 relating to HPK/2014/0119

In pursuance of their power under the above mentioned Act, High Peak Borough Council Planning Authority, **HEREBY GRANT OUTLINE PLANNING PERMISSION** for the works described above subject to the following condition(s):

1. Development shall only be carried out in accordance with reserved matters approval submitted pursuant to HPK/2017/0247.

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

2. The development hereby permitted shall be begun before the expiry of 2 years from the date of approval of the last of the reserved matters to be approved.

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

3. The development hereby permitted shall comprise no more than 107 dwellings.

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

4. Prior to commencement of development a scheme outlining the phasing of development, including a site layout plan identifying land uses such as formal and informal open space and





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infrastructure, in general accordance with the details set out on the Development Framework Plan drawing no. 466/P/DF/01 Rev C, shall be submitted to and approved in writing by the Local Planning Authority. In particular the layout shall provide for the retention of the existing trees on the site where this is justified. The development shall be carried out in accordance with the approved phasing scheme.

Reason:- To secure the programming and phasing of, and an orderly pattern to the development, in accordance with Policies EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

5. Notwithstanding the details accompanying the reserved matters application HPK/2017/0247, a revised programme of archaeological field evaluation and subsequent reporting shall be carried out in line with an archaeological Written Scheme of Investigation to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:

- a) The programme and methodology of site investigation and recording;
- b) The programmes for post investigation assessment;
- c) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- d) Provision to be made for archive deposition of the analysis and records of the site investigation; and
- e) Nomination of a competent person or organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the archaeological Written Scheme of Investigation.

The development shall not be occupied until the site investigation and post investigation assessments have been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason:- To enable the recording of any matters of archaeological/built heritage interest as the site is in an area of heritage significance or an area of archaeological potential, in accordance with the provisions of Policy EQ7 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

6. No development shall take place until a mitigation scheme for protecting the proposed dwellings from traffic noise has been submitted to and approved in writing by the Local Planning Authority. No dwelling which forms part of the scheme shall be occupied until the approved works to that dwelling have been completed.

Reason:- In order that the amenities enjoyed by the occupants of the dwellings shall not be injured, in accordance with Policy EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

7. Before any operations are commenced (excluding site clearance), space shall be provided within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives' and visitors' vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the local planning authority for written approval and maintained throughout the construction period in accordance with the approved designs free from any impediment to its designated use.



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Reason:- In order that the amenities enjoyed by the occupants of the adjacent dwellings shall not be injured, in accordance with Policy EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

8. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. All construction work shall be undertaken in accordance with the approved Construction Method Statement, which shall include the following details:

- (a) The method and duration of any pile driving operations (expected starting date and completion date);
- (b) 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 19:00 hours Mondays to Fridays, and 08:00 to 16:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;
 - Pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays and at no time on Saturdays, nor at any time on Sundays or Bank Holidays;
- (c) The arrangements for prior notification to the occupiers of potentially affected properties;
- (d) The responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
- (e) 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;
- (f) Details of wheel washing facilities;
- (g) Erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (h) A scheme for recycling/disposal of waste resulting from construction works;
- (i) Details of protection measures to boundaries and features of ecological value.

Reason:- In order that the amenities enjoyed by the occupants of the adjacent dwellings shall not be injured, in accordance with Policy EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

9. The development hereby permitted shall not commence until such time as a scheme to limit the surface water run-off generated by the proposed development to existing Greenfield rates with attenuation up to a 1 in 100 year event, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason:- To ensure that the surface water is managed appropriately in accordance with Policy EQ11 of the High Peak Local Plan 2016 and the National Planning Policy Framework

10. The development hereby permitted shall not commence until such time as a scheme to manage the risk of flooding from overland flow of surface water and the drainage of existing flows onto the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance



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with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason:- To ensure that the surface water is managed appropriately in accordance with Policy EQ11 of the High Peak Local Plan 2016 and the National Planning Policy Framework

11. The development hereby permitted shall not commence until a scheme for surface water regulation, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the scheme will be maintained and managed after completion. Thereafter the development shall proceed in accordance with the approved details.

Reason:- To ensure that the surface water is managed appropriately in accordance with Policy EQ11 of the High Peak Local Plan 2016 and the National Planning Policy Framework

12. No development shall take place until a scheme for the foul drainage of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details

Reason:- To ensure satisfactory drainage is provided in accordance with Policy EQ11 of the High Peak Local Plan 2016 and the National Planning Policy Framework

13. The development hereby permitted shall not commence until such time as a scheme to manage the drainage of existing inflows onto the site, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details.

Reason:- To ensure satisfactory drainage is provided in accordance with Policy EQ11 of the High Peak Local Plan 2016 and the National Planning Policy Framework

14. No part of the development hereby permitted shall commence on site unless and until:

a) a site investigation has been designed for the site using the information obtained from the desk top investigation previously submitted (5644/R1, Lees Roxburgh, Feb 2014) in respect of contamination. This shall be submitted to and approved in writing by the Local Planning Authority prior to the investigation being carried out on the site; and

b) the site investigation and associated risk assessment have been undertaken in accordance with the detail submitted to and approved in writing by the Local Planning Authority; and

c) a method statement and remediation strategy, based on the information obtained from b) above, including a programme of works have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation strategy.

d) a verification plan providing details of the data that will be collected in order to demonstrate that the works in the remediation strategy set out in c) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The approved details shall be implemented as approved, and any long term monitoring and management plan shall be implemented as approved.

Reason:- To ensure that the development can be carried out safely without unacceptable risks in accordance with Policies EQ6 and EQ10 of the High Peak Local Plan 2016 and the National Planning Policy Framework.



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15. If during development, contamination not previously identified is found to be present at the site, then no further development shall be carried out until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority, detailing how this contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason:- To ensure that the development can be carried out safely without unacceptable risks in accordance with Policies EQ6 and EQ10 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

16. No development or other operations including site clearance shall take place until a Biodiversity Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Biodiversity Management Plan shall be based on the submitted Outline Biodiversity Management Plan by FPCR (June 2014) and shall include provision for ecological retention, enhancement, implementation timetable and future maintenance and management. The approved Biodiversity Management Plan shall be implemented in accordance with the approved timetable and subsequently maintained in accordance with the approved details.

Reason:- To mitigate against the loss of existing biodiversity and nature habitats, in accordance with Policy EQ5 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

17. Before development commences detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds (including swifts and house sparrows) and roosting bats, including a timetable for implementation, have been submitted to and approved in writing by the local planning authority. The proposals shall be installed in accordance with the approved details and timetable and retained thereafter.

Reason:- To mitigate against the loss of existing biodiversity and nature habitats, in accordance with Policy EQ5 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

18. Before any development or other operations commence, including site clearance an assessment of the trees on the site for bat roosts shall be undertaken by a licensed bat ecologist and a report setting out any necessary mitigation plan has been submitted to and approved by the Local Planning Authority. Any approved mitigation measures shall be implemented in accordance with the approved plan and retained thereafter.

Reason:- To provide adequate safeguards for the protection of any protected species existing on the site, in accordance with Policy EQ5 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

19. Before any development or other operations commence, an assessment of the badger setts on and adjacent to the site shall be undertaken and a report setting out any necessary mitigation plan shall be submitted to and approved in writing by the Local Planning Authority. Any approved mitigation measures shall be implemented in accordance with the approved plan and retained thereafter.

Reason:- To provide adequate safeguards for the protection of any protected species existing on the site, in accordance with Policy EQ5 of the High Peak Local Plan 2016 and paragraph 17 and Section 11 of the National Planning Policy Framework.

20. No tree/shrub clearance works shall be carried out on the site between 1st March and 31st August inclusive, unless the site is surveyed beforehand for breeding birds and a scheme to protect breeding birds is submitted to and approved in writing by the Local Planning Authority.



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If such a scheme is submitted and approved the development shall thereafter only be carried out in accordance with the approved scheme.

Reason:- Such conditions are to be used to ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended.

21. Prior to the commencement of development a strategy for the control and eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures that will be used to prevent the spread of Japanese Knotweed during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root/ stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

Reason:- To ensure that the development can be carried out safely without unacceptable risks in accordance with Policies EQ6 and EQ10 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

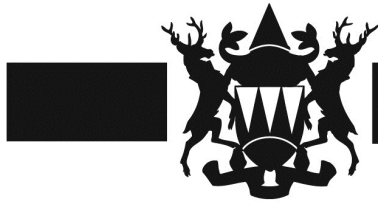
22. Prior to the commencement of development detailed designs for pedestrian/cycle access and in accordance with the general arrangements shown on plan ref 466/P/DF/01 Rev C including the junction arrangements at Macclesfield Road and throughout the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be laid out, designed, laid out and implemented prior the first occupation of the development in any phase hereby approved.

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

23. No dwelling in the development hereby approved shall be occupied until a travel plan based on the Framework Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include the objectives, targets, mechanisms and measures to achieve the targets, implementation timescales, provision for monitoring, and arrangements for a Travel Plan co-ordinator, who shall be in place until 5 years after the completion of the final phase of development. The approved plan shall be audited and updated and submitted for the approval of the local planning authority at intervals no longer than 18 months. The measures contained within the approved plan and any approved modifications shall be carried out in full.

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

24. Prior to the commencement of development a scheme to provide dedicated car parking provision to serve residents along Macclesfield Road shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the location, number of parking spaces and the finished surface details. Thereafter the approved details shall be made available for use prior to the occupation of the development in any phase hereby approved and retained solely for the parking of vehicles.



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Reason:- To ensure that adequate provision is made for parking within the site in the interests of highway safety, in accordance with Policy CF6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

25. No trees, shrubs or hedges within the site shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason:- To protect the health and amenity of the trees in accordance with Policies EQ2 and EQ9 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

26. No operations shall commence on site in connection with the development hereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority and the protective fencing is erected as required by the AMS.

The AMS shall include full details of the following:

- a) Timing and phasing of Arboricultural works in relation to the approved development.
- b) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works.
- c) Details of a tree protection scheme in accordance with BS5837:2012 which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are shown to be retained on the approved plan and trees which are the subject of any Tree Preservation Order.
- d) Details of any construction works, including changes in ground level, required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme.
- e) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the Arboricultural Method Statement

The development shall proceed in accordance with the approved details.

Reason:- To protect the health and amenity of the trees in accordance with Policies EQ2 and EQ9 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

27. Prior to the commencement of development, a scheme for site investigation works examining former coal mining activity on the application site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of existing ground conditions and any remediation works demonstrating how the safety and stability of the site will be carried out. The development shall proceed strictly in accordance with the approved scheme.

Reason:- In the interests of amenity and in accordance with Policy EQ10 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

28. No works shall take place on any phase of development until a measured survey of the site has been undertaken and a plan prepared to a scale of not less than 1: 500 showing details of



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the existing and intended final ground levels from a specified benchmark and have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details.

Reason:- In the interests of the character and appearance of the area/ neighbouring amenities, in accordance with Policies EQ2 and EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

29. The development hereby approved shall not be carried out otherwise than in general accordance with the revised plans and specifications shown on drawing no 2013-030-100-01 Rev B (Location Plan) and 466/P/DF/01 Rev C (Development Framework Plan).

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

Informatives

1. The applicant is advised that this decision should be read in conjunction with the Unilateral Agreement dated 9th March 2015 and the Deed of Variation date 17th July 2018.

2. Public Right of Way HP23/57/2 crosses the site. 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. A temporary closure of the footpath may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information may be obtained by contacting Simon Riddington (01629 539789) in the Rights of Way Section.

3. The Council has sought (negotiated) a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.

X *B.S. 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 do so within 12 weeks of the date of this notice. All other types of development



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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 www.planningportal.gov.uk/pcs. 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.
9. Developers should also be aware of the provisions of the Gas Safety Regulations 1972 and Gas Safety (Installation and Use) Regulations 1984. It is possible that the existing gas service pipe which lies within the area of the proposed extension of alterations which will contravene the provisions of these Regulations. It is necessary that you contact British Gas, North West House, Gould Street, Manchester, M4 4DJ, who will advise if the existing gas service pipe requires alterations.

