



TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1995

APPLICATION FOR APPROVAL OF RESERVED MATTERS

APPROVAL

Applicant

Miller Homes Ltd & David Wilson Homes
Ltd
C/O Miller Homes 2 Centro Place Pride
Park
Derby DE24 8RF

Application no. **HPK/2005/0539**

Registered on **13/07/2005**

Determined on **02/03/2006**

Agent

Miller Homes
2 Centro Place
Pride Park
Derby
DE24 8RF

High Peak Borough Council hereby **APPROVE** this application for **RESERVED MATTERS** for

SUBMISSION OF RESERVED MATTERS IN PERSUANCE OF CONDITIONS 3, 4, 11,12, 17 & 25 ATTACHED TO OUTLINE PLANNING PERMISSION REF. 039366 FOR RESIDENTIAL DEVELOPMENT (12 UNITS) ON PHASE ONE INCLUDING A TEMPORARY ACCESS at Land at Waterswallows Farm Waterswallows Road Buxton

in accordance with the submitted application, details and accompanying plans listed below and subject to the following conditions and reasons:-

Conditions

1. Before any other operations are commenced, a new estate street junction shall be created from Waterswallows Road, located, designed, laid out, constructed and provided with 2.4m x 70m visibility splays, in accordance with the approved scheme, the area in advance of the sightlines forming part of the new street and being constructed as footway.

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I R Shore

Development Control Manager.

2. Before any other operations are commenced, excluding Condition 1 above and site clearance, space shall be provided within the application site boundary for access, loading and unloading, storage of plant and materials, parking and manoeuvring and site accommodation, designed, laid out, constructed and maintained throughout the construction period free from any impediment to its designated use.
3. Before any other operations are commenced, excluding Conditions 1 and 2 above and groundworks up to damp-proof course level, the proposed new estate street shall be laid out in accordance with the approved drawings (including the provision of a temporary turning head at the closed end of the street) and constructed to base level to conform to the County Council's adoptable criteria.
4. Before any other operations are commenced, new vehicular accesses shall be formed to the new estate street in accordance with the approved drawings, laid out to a maximum gradient of 1 in 14 (7%), surfaced and provided with 2m x 70m visibility splays, the area in advance of the sightlines shall be maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway level throughout the life of the development.
5. The premises, the subject of the application, shall not be occupied until space has been provided clear of the new estate street for the parking and turning of residents' and visitors' vehicles in accordance with the application drawings, laid out and surfaced and maintained throughout the life of the development free from any impediment to its designated use.
6. There shall be no gates or other barriers within 5m of the nearside street boundary and any gates shall open inwards only.
7. The materials of construction shall be artificial pitched stone to the walls with a dark flat section tiles to the roof.
8. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the approved 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.
9. Notwithstanding Phase 1 Landscaping Details submitted, no dwellings shall be first occupied until full details of their means of enclosure and hardstanding have been submitted to and approved in writing by the Local Planning Authority and been constructed in accordance with the approved details.

Reasons

1. In the interests of highway safety. In accordance with Policy TR5 of the Adopted High Peak Local Plan 2005.
2. In the interests of highway safety. In accordance with Policy TR5 of the Adopted High Peak Local Plan 2005.
3. In the interests of highway safety. In accordance with Policy TR5 of the Adopted High Peak Local Plan 2005.

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Development Control Manager

4. In the interests of highway safety. In accordance with Policy TR5 of the Adopted High Peak Local Plan 2005.
5. In the interests of highway safety. In accordance with Policy TR5 of the Adopted High Peak Local Plan 2005.
6. In the interests of highway safety. In accordance with Policy TR5 of the Adopted High Peak Local Plan 2005.
7. In the interests of visual amenity. In accordance with Policy GD4 (Policy BC5 and BC8 in respect of developments in conservation areas/listed buildings) of the Adopted High Peak Local Plan 2005.
8. In the interests of visual amenity. In accordance with Policy GD4 (Policy BC5 and BC8 in respect of developments in conservation areas/listed buildings) of the Adopted High Peak Local Plan 2005.
9. In the interests of visual amenity. In accordance with Policy GD4 (Policy BC5 and BC8 in respect of developments in conservation areas/listed buildings) of the Adopted High Peak Local Plan 2005.
10. Notes
 - a) As with application 039365, pursuant to Section 247 of the Town and Country Planning Act 1990, no works shall commence upon the proposed new spine road until a formal stopping-up Order has been confirmed which allows Ashwood Road to be severed as a vehicular through route. Advice regarding the stopping-up procedure can be obtained from the Government Office for the East Midlands based in Nottingham.
 - b) Highway surface water shall be disposed of via a positive, gravity-fed system (ie: not pumped), discharging to an approved point of outfall (eg: public sewer, highway drain or watercourse) to be sanctioned by the Water Authority, Highway Authority or Environment Agency respectively.
 - c) Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant shall take measures to ensure that mud or other extraneous material is not deposited on the adjacent public highway from the development site.

Plans

The plans to which this permission refers are listed below:

Supporting Statement
c-368-01 Rev A
c-368-02 Rev C
221/PL/OS/000
MHL/508/SK114
WSLB-001-MDW Rev C
WSLB-003-MDW
E08 garage
221/MON/PD/1000
221/FYN/PD/1000B
221/GLE/PD/1000B

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Development Control Manager

High Peak Borough Council Policy and Regeneration, Municipal Buildings, Glossop, Derbyshire SK13 8AF
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221/QUO/PD/1000C
P408 Stone 1/2D
P408 Stone 2/2E
H454 Stone 1/2E
H454 Stone 2/2E
H464 Stone 1/2E
H464 Stone 2/2D
P439 Stone 1/2D
P439 Stone 2/2D
Double Garage 2A
Double garage 4A
Master plan Rev C

Note

This approval of Reserved Matters relates to outline planning permission reference no. 039366 Please note that the conditions of this outline permission still apply.

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NOTES

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Office of the Deputy Prime Minister in accordance with Section 78 & 79 of the Town and Country Planning Act 1990. **PLEASE NOTE the time period for appeal has changed.** If your application was registered as received before 14th January 2005 you can appeal within 3 months of the date of this decision. **If your application was registered on or after 14th January 2005 you can appeal within 6 months of the date of this decision.** The Office of the Deputy Prime Minister has power to allow a longer period for the giving of a notice but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The First Secretary of State is not required to entertain an appeal, if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any direction given under the order.
2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Office of the Deputy Prime Minister, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of development which has been or would be permitted, he may serve on the Council of the county district in which the land is situated, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Section 137 & 138 of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the First Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
4. This permission relates to planning control only. Approval under the Building Regulations may also be required from this authority. Any other statutory consent necessary must be obtained from the appropriate authority.
5. If it is intended to give notice of appeal in accordance with Paragraph 1 above, this should be done on the appropriate form obtainable from: The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, tel. 0117 3728000, fax. 0117 – 3728624.
6. 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 the strengthening of a footway, as the Authority considers necessary, or may be required to comply with conditions, imposed by the

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Authority. You should contact the Highway Authority, Derbyshire County Council at County Hall, Matlock, Derbyshire, tel. 01629 580000.

7. Developers should be aware of their statutory obligations with regard to access to buildings and their surroundings, in particular:

Building Regulations 2000 Approved Document M, 1999 Edition
The Work Place (Health, Safety & Welfare) Regulations 1992
The Disability Discrimination Act 1995
The Disability Discrimination (Employment) Regulations 1996

8. 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.

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