

Mrs Eleanor Hall  
Hayes & Partners  
Atlas House Old Hall Street  
Macclesfield  
SK10 2DT





# High Peak Borough Council

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Mrs Eleanor Hall  
Hayes & Partners  
Atlas House Old Hall Street  
Macclesfield  
SK10 2DT

Mr Lithgow  
C/O Agent

Application no: HPK/2021/0060

Determined on: 5<sup>th</sup> November 2021

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

## APPROVAL OF RESERVED MATTERS

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:**  
2 - 6 Leek Road Buxton Derbyshire SK17 6UD

**Description of Development:**  
Approval of reserved matters following outline approval HPK/2017/0146

In pursuance of their power under the above mentioned Act, High Peak Borough Council Planning Authority, **APPROVES** the following matters which have been reserved for later approval on the grant of outline planning permission for development: Access, Appearance, Landscaping, Layout & Scale.

1. This notice of approval of reserved matters shall only relate to outline planning permission ref. HPK/2017/0146 dated 18<sup>th</sup> August 2017

Reason:- For the avoidance of doubt and to comply with Section 92 of The Town and Country Planning Act 1990 and Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 4043-00-11F; 4043-00-12F; 4043-00-13H; 4043-00-14G; 4043-00-15F; 4043-00-16F; 4043-00-17A; 4043-00-18A

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





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3. No works to external walls shall commence until a detailed schedule of all facing materials of all roofs, walls, windows, doors, rainwater goods, and boundary walls and fences has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the details hereby approved.

Reason:- In the interests of ensuring a high quality design that responds well to the existing context in accordance with Local Plan Policies S1 and EQ6, relevant Supplementary Planning Guidance and relevant paragraphs under Chapter 12 of the NPPF.

4. Throughout the period of development, vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway.

Reason:- In the interests of highway in accordance with Local Plan Policy CF6 and relevant paragraphs under Chapter 9 of the NPPF.

5. Prior to the development hereby approved being brought into use, the new vehicular and pedestrian accesses shall be formed to Macclesfield Old Road – in accordance with the revised Site Plan (Ref: 4043-00-11F) and provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centrelines of the access, for a distance of 43m in both directions measured along the nearside carriageway edge. The land in advance of the visibility sightlines shall be retained throughout the life of the development free of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

Reason:- In the interests of highway in accordance with Local Plan Policy CF6 and relevant paragraphs under Chapter 9 of the NPPF.

6. Before any other operations are commenced (excluding creation of the new accesses, the subject of condition 3 above), any redundant vehicular and pedestrian accesses to Macclesfield Old Road and Leek Road shall be permanently closed and the existing crossover reinstated as footway in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Reason:- In the interests of highway in accordance with Local Plan Policy CF6 and relevant paragraphs under Chapter 9 of the NPPF.

7. No dwelling shall be occupied until space has been laid out within the site in accordance with the revised Site Plan (Ref: 4043-00-11F) for the parking of cars. Once provided such spaces shall be maintained free from any impediment to their designated use for the life of the development.

Reason:- In the interests of highway in accordance with Local Plan Policy CF6 and relevant paragraphs under Chapter 9 of the NPPF.



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8. There shall be no gates or other barriers on the accesses/driveways

Reason:- In the interests of highway in accordance with Local Plan Policy CF6 and relevant paragraphs under Chapter 9 of the NPPF.

9. The first floor windows in the principal elevation fronting Macclesfield Old Road in Unit 1 serving the Living Room; in Unit 2 serving the Wardrobe and En-suite Bathroom; Unit 3 serving the En-Suite Bathroom; and Unit 4 serving the Bathroom shall be obscure glazed. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or as subsequently may be amended or re-enacted) this/these window(s) shall not be re-glazed with any transparent materials or enlarged or otherwise altered, nor shall any additional door, window or other opening be formed in that elevation unless a further planning permission has first been granted on application to the Local Planning Authority.

Reason:- In the interests of preserving the residential amenity of properties on Macclesfield Old Road in accordance with Local Plan Policy EQ6, the High Peak Residential Design Guide SPD, and paragraph 130 of the NPPF

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, and any subsequent amendments to this order, any development that falls under Schedule 2, Part 1, Classes A-E, and Part 2 Class A shall not be implemented on the site without full planning permission first being granted by the Local Planning Authority

Reason:- In the interests of preserving neighbouring residential amenity of future occupiers in accordance with Local Plan Policy EQ6, the High Peak Residential Design Guide SPD and paragraph 130 of the NPPF

11. 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 landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation

Reason:- In the interests of ensuring a high quality design that responds well to the existing context in accordance with Local Plan Policies S1 and EQ6, relevant Supplementary Planning Guidance and relevant paragraphs under Chapter 12 of the NPPF.

### **Informative**

1. The Local Planning Authority have worked in a proactive and positive manner with the applicant to address outstanding planning matters to (on balance) achieve a sustainable form of development, as required by the NPPF



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X *B.S. Haywood*

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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](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 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 <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.
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.

