



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

FULL PLANNING APPLICATION

## PERMISSION

Applicant	Palmerston Properties (NW) Ltd Bank House Market Street Whaley Bridge SK23 7AA	Application no. HPK/2009/0689
Agent	53 Long Lane Chapel-En-Le-Frith SK23 0TA	Registered on 02/02/2010 Determined on 29/03/2010

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High Peak Borough Council hereby **PERMIT** this application for **FULL PLANNING PERMISSION** for

**Conversion of single dwelling house to provide seven apartments and conversion of classroom block and disused garage into two detached houses at 184 Taxal Edge Macclesfield Road Taxal Edge Whaley Bridge**

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

### Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission unless some other specific period has been indicated in other conditions given.
2. No works shall take place on site until details of windows, including glazing bar details at 1:2, together with details of the door joinery, have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

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3. No development or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, 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 has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such Method Statement shall include full details of the following:
  - a) Implementation, supervision and monitoring of the approved Tree Protection Scheme.
  - b) Implementation, supervision and monitoring of the approved Tree Work Specification.
  - c) Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme
  - d) Timing and phasing of Arboricultural works in relation to the approved development.
4. 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 before the use hereby permitted is commenced, or before the building is occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.
5. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans 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.
6. (a) No development or other operations shall commence on site until a scheme (herein after called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of any Tree Preservation Order currently in force, has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.
  - (b) No operations shall commence on site in connection with the development hereby approved (including demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.
  - (c) No excavations for services, storage of materials or machinery, parking of vehicles,

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deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

(d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

7. The design and construction of vehicular drives and parking areas within the crown spread any trees to be retained on site and must be in line with appropriate guidelines (BS 5837: 'Trees in Relation to Construction' 2005). They must be constructed utilising minimum excavation techniques and incorporating appropriate surfaces to avoid damage to trees. No development shall take place until there has been submitted to and improved in writing by the local planning authority technical details of the proposed drives and parking areas, to include their dimension (in relation to existing ground levels) and when they are to be constructed in relation to other development operations
8. Before any other operations are commenced, the existing access to Macclesfield Road (B5470) shall be modified in accordance with the (revised) application drawings, laid out, constructed and provided with [dimensions] visibility splays in either direction, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level
9. Before any other operations are commenced(excluding creation of the new access, the subject of condition 8) the existing access track to Macclesfield Road adjacent to Brewood shall be permanently closed with a physical barrier in a manner to be agreed in writing with the Local Planning Authority.
10. The premises, the subject of the application, shall not be occupied until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of residents vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
11. There shall be no gates of other barriers within 10 metres of the nearside highway boundary and any gates shall open inwards only.
12. Prior to the commencement of development full details of the construction of the access track to the upper parking area, including any necessary engineering works, shall be submitted for approval to the Local Planning Authority. The works shall thereafter be implemented in accordance with the approved plans.

## Reasons

1. The time limit condition is imposed in order to comply with the requirements of sections 91, 92, 93 and 56 of the Town and Country Planning Act 1990 and section 51 of the Planning and Compulsory Purchase Act 2004.

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2. In the interests of visual amenity, in accordance with Policy GD4 (and Policies BC5 and BC8 in respect of developments in conservation areas/listed buildings) of the High Peak Saved Local Plan Policies 2008.
3. To ensure the continued well-being of the trees in the interests of the amenity and environmental quality of the locality, in accordance with Policy GD5 and OC10 of the High Peak Saved Local Plan Policies 2008.
4. To ensure adequate and appropriate treatment to all boundaries.
5. To ensure the continued well-being of the trees in the interests of the amenity and environmental quality of the locality, in accordance with Policy GD5 and OC10 of the High Peak Saved Local Plan Policies 2008.
6. To ensure the continued well-being of the trees in the interests of the amenity and environmental quality of the locality, in accordance with Policy GD5 and OC10 of the High Peak Saved Local Plan Policies 2008.
7. To ensure the continued well-being of the trees in the interests of the amenity and environmental quality of the locality, in accordance with Policy GD5 and OC10 of the High Peak Saved Local Plan Policies 2008.
8. In order to provide adequate visibility from the site in the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.
9. In the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.
10. To ensure satisfactory service provision in the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.
11. In the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.
12. In the interests of visual amenity, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

### **Summary of reasons for granting permission**

The decision to grant planning permission has been taken because the Council considers that the application has put forward a proposal which is appropriate within the Countryside and is considered acceptable in terms of Highway safety, visual appearance, residential amenity and impact on trees.

The decision to grant planning permission has also been taken having regard to all other relevant material planning considerations and to the following relevant policies and proposals in the Development Plan.

### **POLICIES RELEVANT TO THIS DECISION**

#### **High Peak Local Plan Saved Policies**

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GD4 - Character Form and Design  
H15 - Sub-Division of Existing dwellings  
OC1 - Countryside Development  
OC3 - Special Landscape Area Development  
OC4 - Landscape Character and Design  
OC6 - Agricultural Development  
OC10 - Trees and Woodlands  
TR5 - Access, parking and design

### Notes to Applicant

The applicant is advised that, in carrying out the work, he should comply with the advice contained in the survey by name of consultant, and that details of methods of working etc. are adhered to. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991, at least 6 weeks prior notification should be given to the Strategic Director of Environmental Services at County Hall, Matlock (tel: 01629 580000 and ask for Gail Mordey) before any works commence on the vehicular access within highway limits.

The application site is affected by a public Right of Way, Footpath Nos 56 and 95 on the Derbyshire Definitive Map. These routes must remain unobstructed on their legal alignment at all times and the safety of the public using them must not be prejudiced either during or after development works take place. Advice regarding the temporary or permanent diversion of such routes may be obtained from the Strategic Director of Environmental Services at County Hall, Matlock (tel: 01629 580000 and ask for the Footpaths Officer, Mr P White).

### Plans

The plans to which this Notice refers are listed below:

Location Plan  
Site Plan 1  
Site Plan 2  
10/358/01A  
09/358/02A  
10/358/03A  
10/358/04A  
10/358/05A  
10/358/06A  
10/358/07  
09/358/08  
09/358/6  
09/358/09A  
Tree Protection Plan South  
Tree Constraints Plan North

**Please Note:** This decision notice does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

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Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting the Councils Building Control Section on 0845 129 7777.

Any other statutory consent necessary must be obtained from the appropriate authority.

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, Derbyshire, County Council at County Hall, Matlock, Derbyshire, tel. 01629 580000.

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.

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.

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.

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Andy Ellis – Development Control Manager