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Mr John Coxon
Emery Planning Partnership
Hobson Street
Macclesfield
Cheshire
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Mr Dobie
C/O Agent

Application no: HPK/2022/0504

Determined on: 19th January 2023

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:

Bankwood Mill Bankwood Charlesworth Derbyshire SK13 5ER

Description of Development:

Application to vary condition 2 attached to planning application ref. HPK/2021/0676

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):

1. The development hereby approved shall be begun before the expiration of three years from the date of permission HPK/2021/0313

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

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

- Plot 1 Floor Plans (Ref: 01/003A Rev B 1 of 18)
- Plot 1 Elevations (Ref: 01/003A Rev B 2 of 18)
- Plot 2 Floor Plans (Ref: 1/004A 3 of 18)
- Plot 2 Elevations (Ref: PL/02/19/22 4 of 18)
- Plot 3 Floor Plans (Ref: 1/005A 5 of 18)
- Plot 3 Elevations (Ref: 1/005B 6 of 18)
- Plot 4 Floor Plans (Ref: 1/006A 7 of 18)
- Plot 4 Elevations (Ref: 1/006B 8 of 18)





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- Plot 5 Floor Plans (Ref: 1/007A 9 of 18)
- Plot 5 Elevations (Ref: 1/007B 10 of 18)
- Plot 6 Floor Plans (Ref: 1/008A 11 of 18)
- Plot 6 Elevations (Ref: 1/008B 12 of 18)
- Plot 7 Floor Plans (Ref: 1/009A 13 of 18)
- Plot 7 Elevations (Ref: 1/009B 14 of 18)
- Stables and Menage Plans and Elevations (Ref: 01/002A 15 of 18)
- Proposed Site Plans (Ref: 01/100A Rev B 17 of 18)
- Location Plan (Ref: PL/02/19/022/2 Rev B 18 of 18)
- Construction Management Plan (prepared by SCP dated 23.04.21)
- Biodiversity Enhancement and Mitigation Strategy (prepared by Biora Ltd Jan 2022)
- Badger Survey Report (prepared by Biora Ltd April 2021)
- Invasive, Non-species Protocol (prepared by Biora Ltd April 2021)
- Desk Study and Ground Investigation Report (prepared by Bett Geo Consulting Engineers Jan 2022)

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

3. Prior to any construction works above ground level being undertaken samples of the materials to be used in the construction of external walls and roofs of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Development shall be completed in complete accordance with the approved materials.

Reason:- To ensure that the external appearance of the development is appropriate to its surroundings in accordance with Policy EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

4. Prior to any construction works above ground level being undertaken details of all eaves, verges, windows (including head, sill and window reveal details), sky-lights, doors, rainwater goods, and chimneys shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:- To ensure that the external appearance of the development is appropriate to its surroundings in accordance with Policy EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

5. Prior to any construction works above ground level being undertaken details of parking and maneuvering space for residents / visitors vehicles shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully laid out, surfaced and implemented prior to the buildings hereby approved being first occupied or brought into use, and shall be maintained throughout the life of the development without impediment to the intended use.

Reason - To ensure satisfactory service provision in the interests of highway safety, in accordance with Policy CF6 of the High Peak Local Plan and the NPPF.





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6. The stables hereby permitted (and associated manege) shall be used solely as ancillary to the dwellings hereby permitted and for no commercial activity including livery or riding school.

Reason - In the interests of highway safety, in accordance with Policy CF6 of the High Peak Local Plan and the NPPF.

7. Prior to any construction works above ground level being undertaken a detailed scheme of hard and soft landscaping, including boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
- (a) indications of all existing trees and hedgerows on the land;
 - (b) details of any to be retained, together with measures for their protection during the course of development;
 - (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - (d) finished levels and contours;
 - (e) means of enclosure;
 - (f) car park layouts;
 - (g) other vehicle and pedestrian access and circulation areas;
 - (h) hard surfacing materials;
 - (i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
 - (j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
 - (k) retained historic landscape features and proposed restoration, where relevant.

Reason:- To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features, in the interests of visual amenity, in accordance with Policies S1 and EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

8. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason:- To ensure a satisfactory landscaped setting for the development and the protection





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of existing important landscape features, in the interests of visual amenity, in accordance with Policies S1 and EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

9. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 1995 (as amended by The Town and Country Planning (General Permitted Development) Order 2015), or any Order revoking or re-enacting or amending that Order with or without modification, no development within Schedule 2, Part 1, Classes A to H shall take place on the dwellinghouse(s) hereby permitted, any of the outbuildings or within the curtilages of the dwellinghouses unless a further planning permission has first been granted on application to the Local Planning Authority.

Reason:- To protect the openness of the Green Belt, in the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for any additions, extensions, enlargements or other alterations in accordance with Policies S1, EQ2, EQ3, EQ4 and EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

10. The development shall be carried out in full accordance with the recommendations R1 and R2 of the Badger Survey Report (Ref: SE0742-11-BES-G03aBP)

Reason:- To safeguard wildlife in the interests of nature conservation and to accord with Local Plan EQ5 and relevant paragraphs under Chapter 15 of the NPPF

11. The development shall be carried out in accordance with the Method Statement set out under Section 5 of the Invasive Non-Native Species Protocol Report (Ref: SE0742-11_IS_G02Abp)

Reason:- In the interests of biodiversity and nature conservation, to safeguard wildlife and to accord with Local Plan Policy EQ5 and relevant paragraphs under Chapter 15 of the NPPF

12. If any external lighting is to be installed a detailed lighting strategy shall first be submitted to and approved in writing by the LPA to safeguard bats. This shall provide details of the type of lighting and any mitigating features such as shields, hoods, timers etc. Dependent on the extent of new lighting, a plan showing lux levels of lightspill around the application area shall be included. Guidelines can be found in 'Bats and Lighting in the UK (BCT, 2009)'. The approved details shall be implemented in full and retained as such thereafter

Reason:- In the interests of biodiversity and nature conservation, to safeguard wildlife and to accord with Local Plan Policy EQ5 and relevant paragraphs under Chapter 15 of the NPPF

13. Prior to occupation of any plot that is the subject of the mitigation and enhancement measures as set out in the Biodiversity and Mitigation and Enhancement Strategy (Ref: SE0742-11_BES_G04CBP), all measures as set out within this document relating to that plot shall be implemented in full and maintained thereafter





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Reason:- For the ongoing protection of the Water Environment from risk arising from land Contamination and in the interests of biodiversity and nature conservation, to safeguard wildlife and to accord with Local Plan Policy EQ5 and relevant paragraphs under Chapter 15 of the NPPF

14. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. Should piling be necessary, prior to piling being undertaken, details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: - For the future protection of the Water Environment from risks arising from land contamination.

15. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: - For the future protection of the Water Environment from risks arising from land contamination

16. No works other than the installation of a trench to facilitate the foundation for a single wall associated with the dwelling on Plot 5 as shown on the updated approved Site Layout Plan (Ref: 1/001) shall take place until a detailed design and associated management and maintenance plan of the surface water drainage for the site, in accordance with the principles outlined within a) "Former Bankwood Mill Charlesworth, Flood Risk Assessment and Drainage Management Strategy (June 2018 by Betts Hydro Consulting Engineers) including any subsequent amendments or updates to those documents as approved by the Lead Local Flood Authority and b) DEFRA's Non-Statutory technical standards for sustainable drainage systems (March 2015), have been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design, prior to the use of the buildings commencing.

Reason:- To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems and provided to the Local Planning Authority, in advance of full planning consent being granted.





17. No works other than the installation of a trench to facilitate the foundation for a single wall associated with Plot 5 as shown on the latest approved Site Plan Layout (Ref: 1/001) shall take place until a detailed assessment has been submitted to and approved in writing by the Local Planning Authority, to demonstrate that the proposed destination for surface water accords with the drainage hierarchy as set out in the planning practice guidelines

Reason:- To ensure that the proposed development does not increase flood risk and that the principles of sustainable drainage are incorporated into this proposal, and sufficient detail of the construction, operation and maintenance/management of the sustainable drainage systems and provided to the Local Planning Authority, in advance of full planning consent being granted.

18. No works other than the installation of a trench to facilitate the foundation for a single wall associated with the dwelling on Plot 5 as shown on the latest approved Site Layout Plan (Ref: 1/001) shall take place until such time as a scheme to dispose of foul water has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

Reason:- To prevent pollution of groundwater and to accord with Local Plan Policy EQ10 and relevant paragraphs under Chapter 14 of the NPPF

19. The development shall be carried out in full accordance with the Construction Traffic Management Plan prepared by SCP dated 23/04/21 for the entirety of the demolition and construction phases

Reason:- In the interests of highway safety in accordance with Local Plan Policy CF6 and paragraph 110 of the NPPF

20. Prior to the occupation of any dwelling on site a management plan to cover the future maintenance and liability for the private accesses, lighting scheme and landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include signage of the access as private. The approved management plan shall be fully implemented and be maintained throughout the lifetime of the development.

Reason: - In the interests of highway safety and to accord with Local Plan policy CF6 and the NPPF.

21. Prior to the first occupation of any dwelling adequate bin storage and a bin dwell area for use on refuse collection days shall be provided for that dwelling clear of the public highway, within the site curtilage clear of all private accesses and parking and turning provision and retained thereafter free from impediment to designated use.

Reason: - In the interests of highway safety and to accord with Local Plan policy CF6 and the NPPF.

22. The area for maneuvering and turning of large refuse vehicles shown on plan



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SCP/18325/ATR07 shall at all times be maintained free of obstruction to its designated use.

Reason: - In the interests of highway safety and to accord with Local Plan policy CF6 and the NPPF.

23. Unless otherwise agreed in writing by the Local Planning Authority, no development above ground level other than that required to be carried out as part of an approved scheme of remediation shall take place until conditions 23a to 23c have been complied with.

a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11

b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.





c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, submitted to and approved in writing by the Local Planning Authority.

d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 26a, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 26b. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, in accordance with condition 26c.

Reason:- In the interests of public health and to accord with Local Plan policy EQ10 and the NPPF.

24. The buildings hereby approved shall not be occupied until an appraisal to demonstrate that the water supply intended to serve the development is both suitable (wholesome) and sufficient, has been submitted to and approved in writing by, the Planning Authority. This appraisal shall be carried out by appropriately qualified person(s) and shall specify the means by which a water supply shall be provided and thereafter maintained to the development. Such appraisal shall also demonstrate that the sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, will not be compromised by the proposed development. The development itself shall not be occupied until the supply or any proposed treatment, storage or infrastructure has been installed in accordance with the approved appraisal.

Reason:- In the interests of public health and to accord with Local Plan policy EQ10 and the NPPF.

25. There shall be no visible dust emissions beyond the site boundary associated with construction/demolition works undertaken at the site. In controlling dust on site, the contractor shall have due regard to the Building Research Establishment Document 'Control of Dust from Construction and Demolition Activities' (BR456).

Reason:- In the interests of public health and to amenity of the area and to comply with Local Plan policy EQ6 and the NPPF.

26. Any waste material associated with the demolition or construction shall not be burnt





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on site but shall be kept securely for removal to prevent escape into the environment. There shall be no fires lit on the site for purpose of disposing of demolition materials. Any open fires that arise shall be extinguished without delay.

Reason:- In the interests of public health and the amenity of the area and to comply with Local Plan policies EQ6 & EQ10 and the NPPF.

27. All construction and demolition works shall be restricted to the following times of operation:

- (i) 07:30 – 18:00 Monday-Friday
- (ii) 08:30 – 14:00 Saturday
- (iii) No working is permitted on Sundays or Bank Holidays

Reason:- In the interests of public health and to amenity of the area and to comply with Local Plan policy EQ6 and the NPPF.

Informative

1. The Local Planning Authority have where necessary worked in a positive and proactive manner with the applicant to address all outstanding planning issues to achieve a sustainable form of development as required by the NPPF

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council





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.

