

From: [Glen Donaldson \(Place\)](#)
To: [Hollins, Hannah](#)
Cc: [Planning \(HPBC\)](#)
Subject: DOC/2022/0080 1 Greggs Avenue Chapel-En-Le-Frith
Date: 23 January 2023 14:27:52
Attachments: [DN HPK.2018.0092.pdf](#)

NEW APPLICATION: DOC/2022/0080

LOCATION: 1 Greggs Avenue Chapel-En-Le-Frith

PROPOSED DEVELOPMENT: Discharge of all conditions 3 & 6 of HPK/2018/0092

FAO Hannah Hollins.

The above application has been forwarded to this Authority for highway considerations and I have the following comments to make :-

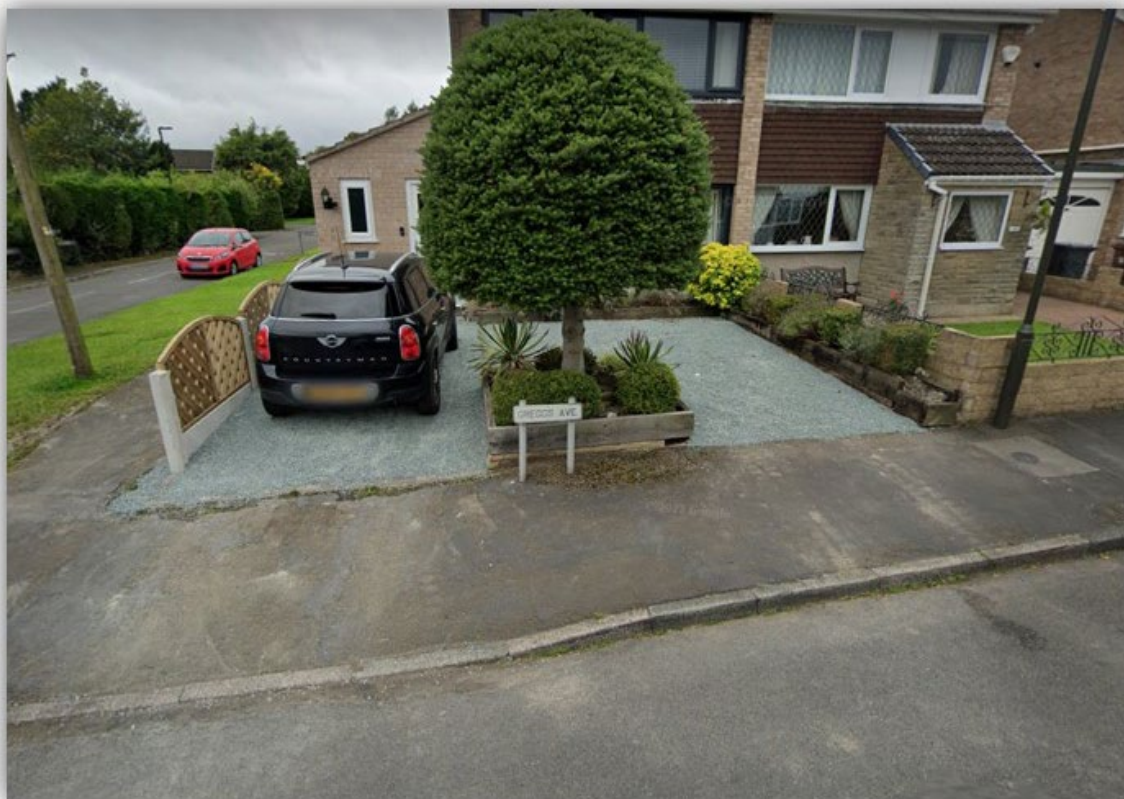
1. The attached Decision Notice (HPK/2018/0092) does not contain Conditions 4 or 5.
2. The applicant seems to have Conditions 3 and 6 the wrong way round (see attached Condition Notice for HPK/2018/0092).

Condition 3 states: *'Within 6 months of the date of this decision, 2 no. off road parking spaces of minimum 2.4m x 4.8m shall be provided within the site in accordance with details to be Page 2 submitted to and approved in writing by the Local Planning Authority. The details shall include: - permeable surfacing materials or details of drainage to a permeable area / soakaway - the relocation of the street sign on Greggs Avenue - provision of a dropped kerb - hard edging to restrain the footway construction - a new wall or fence to delineate between the parking area and the footpath to the side of the property The approved parking areas shall be retained free from obstruction to their intended purpose in perpetuity. Reason:- In the interests of highway safety'*. Condition 6 states: *- 'Driveway construction of similar to existing (hardcore gravel) to enable drainage into existing system. - Road sign - not needing to be moved to comply with condition, - Boundary line will be marked with a line (rather than a wall as this would conflict with your own requirements within the condition on the original parking space of a certain size), - Details of dropped kerb - this will be a kerb lower than a standard kerb in standard grey concrete construction of highway grade as is existing'*.

However, although the parking space has been provided and the street name plate is shown (see extract from Google Maps below), no information has been provided apart from the wording in the submitted application form which states: *'Condition 3 (fence): - This is already in the required position as requested and no longer impacts "highway safety". - Standard panel construction to match remaining, Planning Portal Reference: PP-10190352 6. Discharge of Conditions Condition 6: - Driveway construction of similar to existing (hardcore gravel) to enable drainage into existing system. - Road sign - not needing to be moved to comply with condition, - Boundary line will be marked with a line (rather than a wall as this would conflict with your own requirements within the condition on the original parking space of a certain size), - Details of dropped kerb - this will be a kerb lower than a standard kerb in standard grey concrete construction of highway grade as is existing'*

So before the HA can support the Discharge of Condition, the following is required:

- a. Details of the drainage to a permeable area / soakaway.
- b. Has the applicant contacted the County Council for a Section 184 application to create a dropped crossing onto the public highway? This will ensure the applicant provides the correct HA construction details, relevant permissions and the applicant has used a suitably qualified highway construction operative.
- c. Has the applicant contacted the County Council for a definitive plan of the Highway Maintainable at Public Expense (HM@PE) as this will determine if the fence is in the correct place. The Google Map extract below shows the fence set back, but there is a space along the side of the fence which is made up of the same loose material as the driveway, so clarity is required to ensure the fence is correctly placed and the footway is reinstated to County Council requirements and not in loose material as shown.



Information relating to (b) can be obtained by emailing highways.hub@derbyshire.gov.uk and (c) by emailing highwaysextents@derbyshire.gov.uk.

Regards

Glen Donaldson | Project Engineer | Highways Development Control

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Mr Tomlinson
1 Greggs Avenue
Chapel-en-le- Frith
SK23 9TU

Application no: HPK/2018/0092

Determined on: 22/02/2021

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:

1 Greggs Avenue Chapel-En-Le-Frith Derbyshire SK23 9TU

Description of Development:

Single storey side extension to existing semi detached property - retrospective

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 permitted shall be carried out in accordance with the following approved plans: Location Plan, Site Plan, Proposed Site Plan at 1:100, Proposed Ground Floor Plan at 1:50, Proposed Rear Elevation – Existing Glazed Opening at 1:50 and Proposed Elevations at 1:100

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

2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

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.

3. Within 6 months of the date of this decision, 2 no. off road parking spaces of minimum 2.4m x 4.8m shall be provided within the site in accordance with details to be





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submitted to and approved in writing by the Local Planning Authority. The details shall include:

- permeable surfacing materials or details of drainage to a permeable area / soakaway
- the relocation of the street sign on Greggs Avenue
- provision of a dropped kerb
- hard edging to restrain the footway construction
- a new wall or fence to delineate between the parking area and the footpath to the side of the property

The approved parking areas shall be retained free from obstruction to their intended purpose in perpetuity.

Reason:- In the interests of highway safety.

6. Within 6 months of the date of this decision, the existing fence to the rear of the property along Downlee Close shall be reinstated on to its original line in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason:- In the interests of highway safety.

Informatives

- 1 This is considered to be a sustainable form of development and so complies with the provisions of the NPPF.
2. The relocation of the existing street sign on Greggs Avenue will need to be agreed by Derbyshire County Council Highway Authority to ensure that it is appropriately relocated.
3. Pursuant to Section 278 of the Highways Act 1980 and the provisions of the Traffic Management Act 2004, no works may commence within the limits of the public highway without the formal written Agreement of the County Council as Highway Authority.

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.

