

Mr D K Seddon
Howard & Seddon ARIBA
64 Washway Rd
Sale
M33 7RE



High Peak Borough Council

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64 Washway Rd
Sale
M33 7RE

Mr Duffy
Town Lane
Charlesworth
Derbyshire
SK13 5HQ

Application no: HPK/2022/0536

Determined on: 04/08/2023

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:

LAND REAR OF 44 TO 46, Town Lane, Charlesworth, Derbyshire

Description of Development:

Construction of a new 2 storey, 3 bedroom detached dwelling with associated landscaping and car parking

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 begun before the expiration of three years from the date of this permission.

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 following approved plans:

- Site Plan, 14647-20B
- Existing Site Plan 14647-21B
- Proposed Block Plan 14647-22C
- Proposed Site Plan 14647-23C
- Proposed Floor Plans 14647-24B
- Proposed Front and Rear Elevations 14647-25B
- Proposed Right and Left Elevations 14647-26A
- Proposed Front Visuals 14647-27A
- Proposed Approach Visual 14647-28A
- Proposed Rear and Side Visuals 14647-29A

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- Proposed Site Sections 14647-30A
- Proposed Dry Stone Wall Visuals 14647-31A
- Proposed Visibility Splay and Wall Visuals 14647-32A
- Proposed Vehicle Tracking Plan 14647-33A

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

3. No development shall commence until samples of the materials to be used in the construction of external walls and roofs of the buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out 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 Policies EQ6 and EQ7 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

4. No development shall commence on site until a sample wall pointing panel not less than 1 metre square, has been constructed on site, inspected and approved in writing by the Local Planning Authority. The panel shall then be left in position for comparison whilst the development is carried out. Development shall be carried out in accordance with the approved sample.

Reason:- In the interests of visual amenity and the character and appearance of the area in accordance with Policies EQ6 and EQ7 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

5. No works shall commence on site until plans to show all window and all door joinery detailing including cross sections of window glazing bars, to a scale not less than 1:20 have been submitted to and approved in writing by the Local Planning Authority. The work shall be completed in strict accordance with the agreed details.

Reason:- In the interests of visual amenity and the character and appearance of the area in accordance with Policies EQ6 and EQ7 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

6. No development shall commence on site until details of the finish to external timber, including any paint or stain to be used on the external doors and garage door joinery have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:- In the interests of visual amenity and the character and appearance of the area in accordance with Policies EQ6 and EQ7 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

7. No development shall commence on site until detailed sections at a scale of 1:5 showing eaves detailing and rainwater goods 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.

Reason:- In the interests of visual amenity and the character and appearance of the area in accordance with Policies EQ6 and EQ7 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

8. 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 including gates to be erected. The boundary treatment and gates shall be completed in accordance with the approved details before the first occupation of the dwelling hereby approved.

Reason:- In the interest of visual amenity, 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. No development shall commence on site until a scheme of hard and soft landscaping has been 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 in 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) hard surfacing materials;

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.

10. 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 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.



11. No operations shall commence on site in connection with the development hereby approved (including demolition works, tree works, fires, 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 (AMS) in accordance with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include full details of the following:

- a) Timing and phasing of Arboricultural works in relation to the approved development.
- b) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works.
- c) Details of a tree protection scheme in accordance with BS5837:2012: which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are shown to be retained on the approved plan and trees which are the subject of any Tree Preservation Order.
- d) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme
- e) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order, 1995 (as amended by The Town and Country Planning (General Permitted Development) Order 2015), no services shall be dug or laid into the ground other than in accordance with the approved details.
- f) Details of any changes in ground level, including existing and proposed spot levels required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme.
- g) Details of any vehicular drives, parking areas and other hard surfacing within the root protection area (as defined by BS5837:2012). The design and construction must in accordance with the recommendations of BS5837:2012. Include details of existing ground levels, proposed levels and depth of excavation.
- h) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the arboricultural method statement.

No development shall take place except in complete accordance with the approved AMS.

Reason:- To protect the health and amenity of the trees in accordance with Policies EQ2 and EQ9 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

12. 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 with five years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

Reason:- To protect the health and amenity of the trees in accordance with Policies EQ2 and EQ9 of the High Peak Local Plan 2016 and the National Planning Policy Framework.





13. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel cleaning and/or washing facilities
- v. a scheme for recycling/disposing of waste resulting from demolition and construction works
- vi. hours of construction/demolition

Reason:- In the interests of highway safety, in accordance with Policy CF6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

14. Prior to commencement of any other works, the existing site access shall be modified in accordance with the approved Dwg No. 14,647/22 Amendment C and provided with exit visibility splays and areas in advance of the splays shall be maintained clear of any obstruction greater than 1.0m in height, (600mm in the case of vegetation) relative to the nearside carriageway channel level. These shall be retained for the lifetime of the development.

Reason:- In the interests of highway safety, in accordance with Policy CF6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

15. No part of the development hereby approved shall be first brought into use until the parking area shown on the approved plans has been consolidated, surfaced and laid out in accordance with the approved details. This area shall be maintained and remain available for this use at all times thereafter.

Reason:- To ensure that adequate provision is made for parking within the site in the interests of highway safety, in accordance with Policy CF6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

16. No construction/demolition work at the site shall take place outside the following hours:-

- (i) 07:00 hours to 19:00 hours Mondays to Fridays.
- (ii) 08:00 hours to 13:00 hours on Saturdays.

All deliveries to the site shall be limited to within the above hours. There shall be no working at any time on Sundays or Public Holidays

Reason:- To ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected in accordance with Policy EQ6 of the High Peak Local Plan 2016 and paragraph 17 of the National Planning Policy Framework.

17. No piling shall take place outside the hours 09:00 hours to 16:00 hours Mondays to Fridays

Reason:- To ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected in accordance with Policy EQ6 of the High

Peak Local Plan 2016 and paragraph 17 of the National Planning Policy Framework.

18. No above ground works shall take place until a scheme of biodiversity enhancements for the site including, but not limited to, bird boxes, bat bricks and bat boxes to be integrated to the fabric of the buildings and elsewhere within the site has been submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be implemented in full prior to first occupation of the building and retained thereafter.

Reason:- In the interests of enhancing biodiversity and habitat provision within the site in accordance with Policy EQ5 from the High Peak Local Plan and the National Planning Policy Framework.

19. 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) (England) 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-H and Part 2 Class A shall take place on the dwellinghouse hereby approved or within their curtilages unless a further planning permission has first been granted on application to the Local Planning Authority.

Reason:- 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 additions, extensions or enlargements, in accordance with Policies EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

20. No excavation works shall commence within the application site until a written scheme of archaeological investigation ('the Scheme') has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall provide details of an archaeological watching brief to be maintained during all groundworks associated with the scheme and a programme of archaeological works to be carried out within the site along with details of post-excavation reporting and appropriate publication. The development shall thereafter be undertaken in accordance with the approved scheme which shall be implemented in full prior to the first occupation of the development.

Reason: To enable the recording of any matters of archaeological interest as the site is in an area of archaeological potential, in accordance with Policy EQ7 of the High Peak local Plan and the NPPF.

Informative

1. The Council entered into discussions with the applicant to secure a revised/improved scheme, as has been submitted and consequently approved. It is therefore considered that the proposals meet the provisions of the NPPF.
2. Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge into the public highway. This usually takes the form of a dish channel or gully laid across the access immediately adjacent to the highway boundary, discharging to a drain or soakaway within the site.



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3. Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
4. Car parking spaces should measure 2.4m x 5.5m with an additional 0.5m of width to any side adjacent to a physical barrier e.g. fence, hedge, wall, etc
5. Anyone who takes, handles, damages or destroys newts or the habitat of a newt is guilty of an offence under the Wildlife and Countryside Act 1981 and prior to commencing work you should ensure that no newts or newt habitat will be affected.

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.

