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High Peak Borough Council
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Mr Cullen
C/o Agent

Application no: HPK/2021/0621

Determined on: 3rd May 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 at 152A Albion Road New Mills Derbyshire

Description of Development:

Variation of conditions 2, 4, 5, 7, 11, 12, 13, 14, 17, 19, 21, 23, 24 & 27 relating to
HPK/2020/0057

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 planning permission HPK/2020/0057, being the 27TH July 2021.

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:

411175 06 19 Materials Schedule
411175 50 P4 Location Plan
411175 31 P1 Existing Site Plan
411175 61 P7
411175 63 P2
411175 62 P2
411175 64 P3





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Peak Environmental Solutions Ltd, Phase 1 Environmental Assessment (ref: 41673R1/Rev B), dated December 2015.

Peak Environmental Solutions Ltd, Interim Phase 2 Investigation (ref: 41673R2/RevA), dated July 2019.

Peak Environmental Solutions Ltd, Land Contamination Considerations (ref: 41673R3/RevA), dated September 2019.

Peak Environmental Solutions Ltd, Interim-B Phase-2 Trial Pit Investigation (ref: 41673R4/Rev A), dated November 2020.

Peak Environmental Solutions Ltd, Interim-C Phase-2 Trial Pit Investigation for Plots 11 to 13 (ref: 41673R5/Rev A), dated March 2021.

8492-HBL-XX-XX-RP-S-0001 (R04) Preliminary structural engineers report for canal wall

3. The materials to be used in the construction of the external surfaces of the development shall be in accordance with the details approved within 411175 06 19 'Materials schedule' and shall comprise reconstituted stone (buff) to walls and natural slate to roof.

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. The proposed levels across the site relative to the adjoining land, together with the finished floor levels of the proposed buildings shall be carried out in accordance with plan refs 411175 31 P1, 411175 61 P7 and 411175 106 P9.

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 Policies 2016 and the National Planning Policy Framework.

5. Within 3 months of the date of this decision a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage must include details to prevent surface water running on to the highway and the scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

Reason:- To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

6. Foul and surface water shall be drained on separate systems.

Reason:- To secure proper drainage and to manage the risk of flooding and pollution





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7. All soft and hard and soft landscaping shall be carried out strictly in accordance with the following plans:

PR/211001/GA/01 REV A

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 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. 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 unless 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 paragraph 118 of the National Planning Policy Framework.

10. All boundary treatments shall be installed prior to the first occupation of development hereby approved and in accordance with the following plans:

411175 62 P2

411175 61 P7

Reason:- In the interest of visual and residential amenity, in accordance with Policies S1 and EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.





11. Within 6 months of the date of this decision, and in accordance with details the subject of condition 2 a detailed remediation strategy in respect of plots 8-10 to bring the site to a condition suitable for the intended use shall be prepared, and submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first occupation, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures and shall be completed prior to the first occupation of the development.

Reason:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks in accordance with Policies EQ6 and EQ10 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

12. Prior to the first occupation of the development hereby approved acoustic glazing and mechanical ventilation shall be installed in the dwellings hereby approved in accordance with the following plans and details:

Ventilation specification

Report by AEC dated 15 October

Saint Gobain Glass brochure

AEC Ltd P4076 - L11 – RDC dated 12 May 2022

Reason:- In order that the amenities enjoyed by the future occupants of the dwellings shall not be injured, in accordance with Policy EQ6 of the High Peak Local Plan Policies 2016 and the National Planning Policy Framework.

13. The construction of the foundations of the dwellings hereby approved and the retaining walls on site shall be carried out in accordance with the following plans and details:

8492-HBL-XX-XX-RP-S-0001 (R04) Preliminary structural engineers report for canal wall

8492-HBL-XX-XX-DR-S-0026 – Retaining wall 3D views

8492-HBL-XX-XX-DR-S-0025 - Retaining wall misc. Sections & elevations

8492-HBL-XX-XX-DR-S-0024 - Plots 11-13 retaining wall sections & elevations

8492-HBL-XX-XX-DR-S-0021 - Plots 5-13 foundation plan

Reason:- To ensure that the works do not create land instability that would damage the Peak Forest Canal and to accord with the advice regarding land stability in para 183 of the NPPF and High Peak Local Plan policy EQ10.



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

- (i) 08:00 hours to 19:00 hours Mondays to Fridays.
 - (ii) 08:00 hours to 13:00 hours on Saturdays.
 - (iii) At any time on Sundays or Public Holidays except by agreement with the Local Planning Authority.
 - (iv) All deliveries to the site shall be limited to within the above hours.
- Any equipment which needs to be operated outside the hours specified above shall be acoustically screened in accordance with a scheme to be agreed with the Local Planning Authority.

Reason:- In order that the amenities enjoyed by the occupants of the adjacent dwellings shall not be injured, in accordance with Policy EQ6 of the High Peak Local Plan Policies 2016 and Paragraph 127 of the National Planning Policy Framework.

15. If piling is necessary a written method statement shall be submitted to the Local Planning Authority. This method statement shall be in line with Environment Agency guidance (Environment Agency (2001), Piling and Penetrative Ground Improvements on Land Affected by Land Contamination NC/99/73). The affects of noise generation (hours of operation) shall also be considered, and should include noise mitigation measures consistent with best practical means. No piling shall take place until the method statement has been approved in writing and all works shall thereafter take place in accordance with the approved method statement.

Reason:- In order that the amenities enjoyed by the occupants of the adjacent dwellings shall not be injured, in accordance with Policy EQ6 of the High Peak Local Plan Policies 2016 and Paragraph 130 of the National Planning Policy Framework.

16. Prior to the first occupation of the development hereby approved the bird enhancement measures, comprising Capi Birdhouse Round Anthracite and the Woodstone Swift Next boxes shall be installed in accordance with the Bird Enhancement Plan submitted by Treville Properties. For each dwelling a Capi Birdhouse Round Anthracite shall be installed and a total of 4 Woodstone Swift Next boxes shall be installed across the site prior to the first occupation of the development.

Reason:- In the interests of biodiversity enhancement, in accordance with Policy EQ5 of the High Peak Local Plan Policies 2016 and Section 11 of the National Planning Policy Framework.

17. No construction / demolition / excavation works shall be carried out on the site between the 1st March and 31st August inclusive, unless the site is surveyed for breeding birds, and a scheme to protect breeding birds is submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved scheme.

Reason:- To provide adequate safeguards for the protection of any protected species



existing on the site, in accordance with Policy EQ5 of the High Peak Local Plan Policies 2016 and paragraph 130 and Section 11 of the National Planning Policy Framework.

18. 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-H shall take place on the dwelling house(s) hereby permitted or within their curtilages.

Reason:- In the interests of the residential amenity of the locality and the character 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 and EQ10 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

19. Prior to the occupation of any dwelling, the vehicular access with Albion Road (A6015) shall be modified in accordance with the revised application drawing 411175 64 P3 (the subject of Condition 2 above), and provided with visibility sightlines extending from a point 2.4 metres from the carriageway edge, measured along the centreline of the access, for a distance of 52 metres to the right and 44m to the left when exiting 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 the adjoining nearside carriageway channel level.

Reason:- In the interests of highway safety and amenities of the area, in accordance with Policy CF6 and EQ6 of the High Peak Local Plan Policies 2016 and the National Planning Policy Framework.

20. All construction works shall be carried out in accordance with the Corn Mill Court Construction Method Statement REVISED, with the exception of the working times specified in this document which shall be those specified in condition 14.

Reason:- In the interests of highway safety and amenities of the area, in accordance with Policy CF6 and EQ6 of the High Peak Local Plan Policies 2016 and the National Planning Policy Framework.

21. The management and maintenance of the proposed shared private driveways, footpaths, drains and common areas shall be carried out in accordance with the Corn Mill Court - Management and Maintenance Plan by Treville Properties.

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

22. There shall be no gates or other barriers across the proposed shared private access driveway.



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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.

23. The proposed access drive to Albion Road shall be no steeper than 1 in 12 for the first 6m from the nearside highway boundary and 1 in 10 thereafter.

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.

24. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided prior to the first occupation of the development and the facilities retained for their designated purposes at all times thereafter.

Reason:- In the interests of visual amenity and highway safety in accordance with Policy EQ6 and CF6 of the High Peak Local Plan 2016.

25. Notwithstanding the details approved under condition 10 no boundary fixings for the railings adjacent to the canal are to be installed until details have been submitted to and approved in writing by the Local Planning Authority. The Canal & Rivers Trust advise that the fixings should be cantilevered so as to avoid fixings to the canal washwall. Thereafter the railings shall be installed in accordance with the approved fixing details prior to the first occupation of the development hereby approved.

Reason: To ensure that the works do not damage the Peak Forest Canal and to accord with the advice regarding land stability in para 183 of the NPPF and High Peak Local Plan policy EQ10.

Informative

The proposed development is judged to be of suitable design and meets the tests of sustainability in planning. There are not judged to be any adverse implications for neighbours or wider public amenity and street scene. Following the receipt of revised plans to address statutory consultee comments, the application was recommended for approval in accordance with paragraph 38 of the National Planning Policy Framework.

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 DBCP Limited, Web: dbcp.co.uk; Email: info@dbcp.co.uk ; Tel:0333 880 2000, as per your website..
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





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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 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.

