

Mr Phil Lomas
7 Park Crescent
Furness Vale,
SK23 7PU



High Peak Borough Council

working for our community

Mr Phil Lomas
7 Park Crescent
Furness Vale,
SK23 7PU

Carol Hawkins
Smithyfield,
Whaley Lane,
Whaley Bridge,
Derbyshire,
SK23 7AE

Application no: HPK/2023/0456

Determined on: 15th December 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:

Smithyfield, Whaley Lane, Whaley Bridge, Derbyshire, SK23 7AE

Description of Development:

New Bungalow on site of existing derelict shed

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 the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2. The development hereby approved shall be carried out in accordance with the following submitted plans and subject to the following conditions and/or modifications: -

Location Plan Existing and Proposed Ref: 05 Rev C (1:1250@A3)
Proposed Site Plan Ref: 04 Rev C (1:500@A3)
Existing Elevations & Floor Plan Ref: 06 Rev A (1:100@A3)
Proposed Elevations Ref: 01 Rev C (1:100@A3)
Proposed Floor Plans Ref: 02 Rev C (1:50@A3)
Proposed Sections Ref: 03 Rev B (1:100@A3)
Proposed Site Arboricultural Plan Ref: 07 Rev C (1:200@A3)





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

3. Prior to the commencement of works on site full details of all finishing and facing materials are to be submitted to the local planning authority and approved in writing. Once approved in writing the development shall be undertaken in accordance to this specification and last for the lifetime of the development.

Reason: - To ensure that the external appearance of the development is satisfactory and to comply with policy EQ6 of the of the High Peak Local Plan (2016) and the NPPF (2021).

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or as subsequently may be amended or re-enacted) no door, window or other opening shall be formed in the dwelling hereby permitted other than those shown on the approved plans unless a further permission has first been granted on application to the Local Planning Authority.

Reason: To safeguard the amenities of the adjoining premises from overlooking and loss of privacy and to comply with policy EQ6 of the of the High Peak Local Plan (2016) and the NPPF (2021).

5. Before any other operations are commenced, space shall be provided within the site for the storage of plant and materials, site accommodation, loading, unloading and maneuvering of goods vehicles, parking and maneuvering of employees and visitors' vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

Reason: In the interests of safety of nearby residents and; safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development and to comply with policy EQ6 of the of the High Peak Local Plan (2016) and the NPPF (2021).

6. A replacement tree for each of the trees shown on the proposed site plan to be felled shall be planted within the site boundary within the first available planting season following the felling of each of the trees, unless otherwise first agreed in writing with the Local Planning Authority. Any trees which within a period of 5 years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of the amenity of the area, to comply with policy EQ6 and EQ9 of the of the High Peak Local Plan (2016) and the NPPF (2021).

7. The landscaping proposals hereby approved shall be carried out no later than during the first planting season following the date when the development hereby permitted is



ready for occupation or in accordance with a programme agreed in writing with the Local Planning Authority. All planted materials shall be maintained for five years, and any trees or plants removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with others of similar size and species to those originally required to be planted.

Reason: To ensure that the appearance of the development is satisfactory, to comply with policy EQ6 of the High Peak Local Plan (2016) and the NPPF (2021).

8. The development hereby approved shall not be occupied until the access, parking and turning facilities have been provided as shown on drawings.

Reason: To ensure conformity with submitted details and to ensure the provision and availability of satisfactory off-street parking for the development, to comply with policy EQ6 and CF6 of the of the High Peak Local Plan (2016) and the NPPF (2021).

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or as may subsequently be amended or re-enacted) no extensions, alterations or buildings within the site curtilage normally permitted by Classes A to E of Part 1 Schedule 2 to that Order shall be carried out unless a further planning permission has first been granted on application to the Local Planning Authority.

Reason: The further extension of this dwelling or erection of detached building requires detailed consideration to safeguard the amenities of the surrounding area, to comply with policy EQ6 of the of the High Peak Local Plan (2016) and the NPPF (2021).

10. Prior to the first occupation of the development hereby permitted the following features shall be retained

- 2 No Bird Nesting Boxes shall be sited around the area of the Oak tree, generally facing North East
- 2 Number Bat Boxes shall be installed generally facing South West
- New walls or fences erected on the site shall incorporate access to ensure that the mobility of Hedgehogs is not impended.
- Any new planting shall be Insect/Bee/Butterfly friendly

The features shall thereafter be retained for the lifetime of the development

Reason: In the interest of the amenity of the area, to comply with policies EQ5 and EQ6 of the of the High Peak Local Plan (2016) and the NPPF (2021).

11. Unless prior permission has been obtained in writing from the Local Planning Authority, all noise-generating activities shall be restricted to the following times of operations.

- 07:30 - 18:00 hours (Monday to Friday);
- 08:30 - 14:00 hours (Saturday)
- No working is permitted on Sundays or Bank Holidays.

In this condition, a noise-generating activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.





Reason: To safeguard the amenity of nearby premises and the area generally, to comply with policy EQ6 of the of the High Peak Local Plan (2016) and the NPPF (2021).

12. If piling is necessary, a written piling options assessment shall be submitted to the Local Planning Authority and approved in writing, to demonstrate noise and vibration mitigation measures consistent with the best practical means. The assessment shall consider Environment Agency guidance (Environment Agency (2001), Piling and Penetrative Ground Improvements on Land Affected by Land Contamination NC/99/73) where land contamination is suspected or proven. No piling shall take place until the piling options assessment has been approved and piling shall be undertaken only in accordance with the approved details. No piling shall take place outside the hours 09:00 hours to 16:00 hours Mondays to Fridays.

Reason: To safeguard the amenity of nearby premises and the area generally, to comply with policy EQ6 of the of the High Peak Local Plan (2016) and the NPPF (2021).

13. Any waste material associated with the demolition or construction shall not be burnt 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 the purpose of disposing of demolition materials. Any open fires that arise shall be extinguished without delay.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development, to comply with policy EQ6 of the of the High Peak Local Plan (2016) and the NPPF (2021).

14. No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely adjacent residential properties and/or other sensitive uses and/or the local environment. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression. These shall be made available for inspection when required by officers of the Local Planning Authority

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development, to comply with policy EQ6 of the of the High Peak Local Plan (2016) and the NPPF (2021).

15. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 and 2 of this condition have been complied with.

1. 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 agreed 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 submitted to and approved in writing by 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'.

2. 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 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.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out, unless otherwise agreed in writing by the Local Planning Authority prior to the first occupation of the development. 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) that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

4. 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 part 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 2 of this condition. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, in accordance with part 3 of this condition.

Reason - 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.





16. No development shall commence until details of the positions, design, materials and type of boundary treatment to be erected have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the scheme has been implemented in accordance with the approved details.

Reason: In the interests of privacy and visual amenity, and to comply with Policy EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

Informative

1. This is considered to be a sustainable form of development and so complies with the provisions of High Peak Local Plan (2016) and the NPPF (2021).
2. Severn Trent Water (STW) advise that statutory sewer records show that they have assets within close proximity to the site or its boundary, the landowner is advised to email STW on building.over@severntrent.co.uk so that they can discuss the proposed works.
3. The best practicable means, as defined in Section 72 of the Control of Pollution Act 1974 to reduce noise and vibration from the site to a minimum, shall be employed at all times during construction.
4. Ground Investigations and groundworks - Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property.
5. Shallow coal seams - In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.
6. United Utilities advise that: The applicant should consider their drainage plans in accordance with the drainage hierarchy outlined. Also, It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities' assets and the proposed development. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout.
It is essential that the applicant, or any subsequent developer, contacts UU Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition.





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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.

