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24A Market Street
Disley
SK12 2AA



High Peak Borough Council

working for our community

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24A Market Street
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Mr Knight
Holly Farm Briargrove Road
Birch Vale
SK22 1AY

Application no: HPK/2023/0469

Determined on: 11th April 2024

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:

HOLLY FARM Briargrove Road Birch Vale Derbyshire SK22 1AY

Description of Development:

Demolition of existing buildings and erection of replacement dwelling

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 Location Plan (18025-C4P-ZZ-ZZ- DR-A-0100 Rev P5);
Site Plan as Proposed (18025-C4P-ZZ-ZZ- DR-A-0108 Rev P2);
Ground Floor 00 Proposed (18025-C4P-ZZ-ZZ- DR-A-0105 Rev P4);
Below Ground Floor Level -01 Proposed (18025-C4P-ZZ-ZZ- DR-A-0106 Rev P4);
Elevations as Proposed Sheet 1 (18025-C4P-ZZ-ZZ- DR-A-0109 Rev P5);
Elevations as Proposed Sheet 2 (18025-C4P-ZZ-ZZ- DR-A-0110 Rev P4);
Landscaping - Treeworks Overview (Sheet 1);
Landscaping – Trees (Sheet 2)

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 above foundation level until a schedule of all facing materials, hard surfaces and fenestration details 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 S1, EQ2, EQ3 and EQ6 of the High Peak Local Plan 2016 and relevant paragraphs under Chapter 12 of the NPPF.

4. All approved hard and soft landscape works including all replacement tree planting shall be carried out in full as shown on the Landscaping-Treeworks (Sheet 1) and Landscaping-Trees (Sheet 2) in the first planting season following the first occupation of the dwellinghouse and any trees or plants 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 interests of enhancing the openness of the Green Belt and the immediate rural character of the site and its surroundings in accordance with Local Plan Policies S1, EQ2, EQ3, EQ4 and EQ6 and relevant paragraphs under Chapters 12 and 13 of the NPPF.

5. Unless otherwise agreed by the Local Planning Authority in writing, 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,

- archaeological 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.

6. No development shall commence until such time as a feasibility report has been submitted to and agreed in writing by the Local Planning Authority that investigates appropriate options for the disposal of foul sewage and determines the most sustainable solution for the site. This report shall be in line with (and stating) recognized codes of practice and standards (e.g. The Building Regulations 2000, Drainage and Waste Disposal - Approved Document H, Environment Agency Pollution Prevention Guideline Document PPG4). The report shall include an appropriate assessment of site conditions including soil percolation tests undertaken in line with BS 6297:2007, and a plan showing the proposed location of any cess pit, treatment plant, septic tank, and any associated drainage field. The approved scheme of foul drainage shall be carried prior to first occupation of the development, and thereafter maintained for the life of the development.

Reason:- In the interests of preserving public amenity in accordance with Local Plan Policy EQ10 and relevant paragraphs contained under Chapter 15 of the NPPF.





7. In the event that piling is necessary, a written piling options assessment shall be submitted to and approved writing by the Local Planning Authority prior to any piling taking place, to demonstrate noise and vibration mitigation measures consistent with 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. Piling shall only take place in accordance with the approved options assessment. No piling shall take place outside the hours 09:00 hours to 16:00 hours Mondays to Fridays.

Reason:- In the interests of preserving public amenity in accordance with Local Plan Policy EQ10 and relevant paragraphs contained under Chapter 15 of the NPPF.

8. All construction or demolition works shall be carried out strictly between the following times:
- 07:30 – 18:00 Monday to Fridays
 - 08:30 – 14:00 Saturdays
 - No working permitted Sundays and Bank Holidays

Reason:- In the interests of preserving public amenity in accordance with Local Plan Policy EQ10 and relevant paragraphs contained under Chapter 15 of the NPPF.

9. No stripping or demolition of buildings, nor vegetation clearance, shall take place between 1st March and 31st August inclusive, unless preceded by a nesting bird survey undertaken by a competent ecologist no more than 48 hours prior to clearance. If nesting birds are present, an appropriate exclusion zone will be implemented and monitored until the chicks have fledged. No works shall be undertaken within exclusion zones whilst nesting birds are present.

Reason:- In the interests of preserving protected species and habitats in accordance with Local Plan Policy EQ5 and relevant paragraphs under Chapter 15 of the NPPF.

10. The demolition of Buildings 1 and 2 shall not take place until an appropriate bat licence has been obtained. Confirmation of this in writing shall be submitted to the Local Planning Authority. Upon receipt of a licence from Natural England, site registration works shall proceed strictly in accordance with the approved mitigation, as set out in the Ecological Appraisal and Bat Surveys Rev B (Rachel Hacking Ecology 09/02/2024) and amended as necessary based on any correspondence with Natural England. Such approved mitigation will be implemented in full in accordance within the licence and followed thereafter. The approved mitigation shall be retained in situ for the lifetime of the development.

Reason:- In the interests of preserving protected species and habitats in accordance with Local Plan Policy EQ5 and relevant paragraphs under Chapter 15 of the NPPF.

11. Prior to the installation of any external lighting fixtures, a detailed lighting strategy



which avoids lightspill onto onsite bird and bat boxes and foraging habitat shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall provide details of the chosen luminaires, their locations, and any mitigating features such as dimmers, PIR sensors, and timers. A lux contour plan may also be required depending on the scale and extent of the proposed lighting. No external lighting shall be installed except in accordance with the approved details.

Reason:- In the interests of preserving protected species and habitats in accordance with Local Plan Policy EQ5 and relevant paragraphs under Chapter 15 of the NPPF.

12. No development shall commence until an invasive non-native species protocol detailing the containment, control and removal of Himalayan Balsam on site has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with this protocol.

Reason:- In the interests of preserving protected species and habitats in accordance with Local Plan Policy EQ5 and relevant paragraphs under Chapter 15 of the NPPF.

13. No development shall commence above foundation level, until a Biodiversity Enhancement Plan has been submitted and approved in writing by the Local Planning Authority. The Plan shall include models and locations of bird and bat boxes to be incorporated on site, which aligns with the Ecological Appraisal and Bat Surveys Rev B (Rachel Hacking Ecology 09/02/2024), which can include a combination of building and tree-mounted options. Building-mounted boxes shall be suitably spaced and located at eaves level. Bat boxes shall favour the southern elevation. Bird Boxes shall avoid the southern elevation. The Plan shall be implemented prior to the first occupation of the development and the Biodiversity Enhancement features shall be retained thereafter

Reason:- In the interests of preserving protected species and habitats in accordance with Local Plan Policy EQ5 and relevant paragraphs under Chapter 15 of the NPPF.

14. Prior to first occupation, a scheme showing the location and extent of PV Solar Panels on the roofslopes of the dwellinghouse shall be submitted to and approved in writing by the Local Planning Authority. The approved panels shall be implemented prior to the first occupation of the development.

Reason:- In the interests of securing the benefits of a sustainable renewable energy source within the development which is one element of the benefits that justify the development with regards to Local Plan Policy EQ4 and relevant paragraphs under Chapter 13 of the NPPF.

15. Prior to the first occupation of the development hereby permitted, all buildings shown on the existing site plan 18025-C4P-AB-ZZ-DR-A-0001 Rev P3 shall be demolished and all materials used in their construction removed from the site.

Reason:- In the interests of maintaining the openness of the Green Belt and to comply with Local Plan Policy Policy EQ3 and the NPPF



Informatives

1. The Local Planning Authority have 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 National Planning Policy Framework.
2. United Utilities strongly encourage all developments to include sustainable drainage systems to help manage surface water and to offer new opportunities for wildlife to flourish. We request that Local Planning Authorities and applicants do all they can to avoid surface water entering the public sewer. The flows that come from this surface water are very large when compared with the foul water that comes from toilets, showers, baths, washing machines, etc. It is the surface water that uses up a lot of capacity in our sewers and results in the unnecessary pumping and treatment of surface water at our pumping stations and treatment works. If new developments can manage flows through sustainable drainage systems that discharge to an alternative to the public sewer, it will help to minimise the likelihood of sewers spilling into watercourses and the flooding of homes and businesses.

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

The applicant should consider their drainage plans in accordance with the drainage hierarchy outlined above. In the event that the applicant, or any subsequent developer, approaches United Utilities regarding a connection for surface water to the public sewer, it is likely that we will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable. This will be managed through either our 'S106 Sewer Connections' or 'S104 Adoptions' processes.

3. 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 important that the supporting information contained in the Appendix, Section 2.0 'United Utilities' Property, Assets and Infrastructure', is read in conjunction with this letter. This provides information that might impact a proposed layout and additional guidance that an applicant or developer must consider when United Utilities assets are located in, or in the locality of, the proposed site.
4. Where United Utilities' assets exist, it is essential that the applicant, or any subsequent developer, contacts our Developer Services team prior to commencing any works on





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site, including trial holes, groundworks or demolition. See Appendix. Section 4.0 'Contacts' Water main A water main crosses the site. It must not be built over, or our access to the pipeline compromised in any way. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', which can be found on our website: <https://www.unitedutilities.com/builders-developers/your-development/planning/building-over-or-working-near-our-assets/working-near-our-pipes/>. The applicant must comply with this document to ensure pipelines are adequately protected both during and after the construction period. Based on the information currently available, it is unclear whether sufficient distance is provided between proposed development features and our water asset(s). We recommend the applicant contacts our Water Developer Services team to ensure existing water assets, along with our required access widths, can be accommodated in the proposed layout. If the applicant fails to investigate and resolve any concerns prior to a positive determination, there is a risk that as the scheme progresses, the applicant, or any subsequent developer, may discover that their plans are not implementable in their existing form or that diversion of assets is required. If the Local Authority requires any additional comment on the acceptability of the proposed layout from United Utilities, we will require a detailed site layout plan, which overlays the PROVEN location of the water asset(s) in relation to any proposed development (including walls, fencing, parking etc.).

5. Public Right of Way, New Mills Footpath No. 56, as shown on the Derbyshire Definitive Map, must remain open, unobstructed and on its legal alignment at all times. There should be no disturbance to the surface of the route without prior authorisation from the Rights of Way Inspector for the area. Consideration should be given to members of the public using the route at all times. A temporary closure of the route may be granted to facilitate public safety subject to certain conditions. Further information may be obtained by contacting the Rights of Way Section – ETE.PROW@derbyshire.gov.uk. If a structure is to be erected adjacent to the right of way, it should be installed within the site boundary so that the width of the right of way is not encroached upon.

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.
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 do so within 12 weeks of the date of this notice. All other types of development



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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.

