

Mr John Coxon
Emery Planning Partnership
Hobson Street
Macclesfield
Cheshire
SK11 8BS



High Peak Borough Council
working for our community

Mr John Coxon
Emery Planning Partnership
Hobson Street
Macclesfield
Cheshire
SK11 8BS

BDW Trading Limited
C/O Agent

Application no: HPK/2023/0323

Determined on: 13th May 2026

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015

APPROVAL OF RESERVED MATTERS

S.73 VARIATION OF HPK/2017/0247

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.

Location of Development:

Land At Linglongs Road Whaley Bridge Derbyshire

Description of Development:

Variation of condition 14 attached to planning permission HPK/2017/0247

In pursuance of their power under the above mentioned Act, High Peak Borough Council Planning Authority, **APPROVES** the following matters which have been reserved for later approval on the grant of outline planning permission for development: Access, Appearance, Landscaping, Scale, and Layout.

1. This notice of approval of reserved matters shall only relate to outline planning permission ref. HPK/2022/0495 dated 13th May 2026.

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

2. The development hereby permitted shall only be carried out in strict accordance with the following approved plans:





High Peak Borough Council

working for our community

Location and Layout Plans

466/P/LP/01 Rev A, 466/P/BT/01 Rev K, 466/P/ML/01 Rev J, 466/P/PL/01 Rev A1, 466/P/RS/01 Rev J, 466/P/S/01 Rev D, 466/P/SH/01 Rev G, 466/ED/CMS1 Rev B, 466/P/HLL/01 Rev D, 466/P/ATP/01 Rev D

Sections

466/SS/01 Rev C, 466/S/01 Rev D

Houses and Apartments

BDER5 56SC/01, BHAL56SC/ 01, 2016/HLT/C/01, 2016/HRT/C/01, 2016/MAL/C/01 Rev B, 2016/MAL/C/01 Rev A, 2016/BAT/C/01 Rev A, 2016/MAL/C/01 Rev A, 2010/W100/C/01, 2016/HAM/C/01, 2016/WIN/C/01, 2016/BDER/00CD Rev A, 2016/BHAL/00CD, 2016/BRAD/00CD Rev A, 2016/BRAD/56SD, 2016/BTMT/00CD Rev B, 2016/BTMT/56SC, 2016/WAS/C/01 Rev A Ennerdale, 2016/WAS/C/01 Eskdale, 2016/BALD/00CD Rev B Folkestone, 2016/BALD/56SD, 2016/BENN/00CD Rev A, 2016/BESK/00CD Rev A, 2016/BFKS/00CE Rev A, 2016/BFKS/56SE, 2010/SME/C/01, SSG01, SDG01, BALD/56SC/01, BENN/56ESC/01, 2016/HLT/NS/01, 2016/HRT/NS/01, BRAD/56SC/01, BTMT/56SC/01, Ambassador 02, BBUH 5MDS 01, BTHO 5MDS 01

Engineering Plans

VD17501-100-01 Rev J, VD17501-100-02 Rev E, VD17501-100-03-1 Rev E, VD17501-100-03.2 Rev B, VD17501-100-04 Rev A, VD17501-120-01 Rev D, VD17501-120-02 Rev D, VD17501-120-03 Rev A, VD17501-120-04 Rev D, VD17501-200-01 Rev G, VD17501-500-01 Rev F, VD17501-700-01 Rev G, VD17501-1100-01 Rev H, VD17501-1200-01 Rev D, VD17501-1200-02 Rev A,

466/ED/05 Rev J, 466/ED-01 Rev J, 466-ED-02 Rev W, 466-ED-03 Rev A, 466-ED-06 Rev K, 466/ED/012 Rev K, , 466/ED/13 Rev K, 466/ED/14 Rev M, 466-ED-16 Rev C, 466/ED/18 Rev A, 466-ED/20 Rev E, 466/ED-22 Rev J, 466/ED/23 Rev G, 466/ED/24 Rev E, 466/ED/25 Rev E, 466/ED/41 Rev B, 466/ED/43 Rev D, 466/ED/44 Rev D, 466/ED/45 Rev C, 466/ED/48 Rev D

Other Plans and Details

Topographical survey S13-329 Rev A, Flood Risk Assessment, Issue 8, September 2018 by Cole Easdon Consultants, D6270.02.002 Rev L - Bird and Bat Box Location, 6270.02.003 Landscape and Ecological Mitigation Plan, Version 9, September 2018 by TEP

Landscape Details

6270.001 Arboricultural Method Statement, September 2018 by TEP, D6270-02-001 Rev J - Landscape Masterplan, D6270.02.003 Rev F, D6270.02.004 Rev F, D6270.02.005 Rev F, D6270.02.006 Rev F, D6270.02.007 Rev F, D6270.02.008 Rev F, D6270.02.009 Rev F,

P O Box 136 Buxton SK17 1AQ

Phone 0845 129 77 77 or 01298 28400 Fax 01298 27639 Minicom 0845 129 48 76

E-mail customer-services@highpeak.gov.uk Website www.highpeak.gov.uk

Mobile Text No. 078 0000 2262





High Peak Borough Council

working for our community

D6270.02.010 Rev F, D6270.02.011 Rev F, D6270.02.012 Rev F, 466/P/S/01 Rev D, 466/P/SS/01 Rev C

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

3. The facing materials to be used in the external construction of the development hereby permitted shall only comprise of: Forticrete Anstone Old Weathered Stone, Forticrete Buff artificial stone window surrounds and a Forticrete minislate roof tile.

Reason:- In order to protect the amenities of the area, in accordance with Policy EQ6 of the High Peak Local Plan 2016.

4. The approved boundary treatment scheme (with the exception of plots 99 to 102) shall only be carried out in strict accordance with the approved details as shown on drawing plan ref. 466/P/BT/01 Rev K and prior to the first occupation of the dwelling to which it serves.

Reason:- In the interest of visual amenity and to ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected in accordance with Policies EQ2 and EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

5. The approved boundary treatment scheme for plots 99 to 102 shall only be completed in strict accordance with the approved details as shown on drawing plan ref. 466/P/BT/01 Rev T, Mobilane – Technical Information and Green Screen by Mobilane prior to the first occupation of the dwelling to which it serves.

Reason:- In the interest of visual amenity and to ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected in accordance with Policies EQ2 and EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

6. The approved colour and finish scheme of all dwelling front and garage doors of the development hereby permitted shall only be carried out in strict accordance with the approved details as shown on drawing plan ref. 466/P/ML/01 Rev L.

Reason:- In the interests of visual amenity, in accordance with Policy EQ6 of the High Peak Saved Local Plan 2016.

7. The approved hard surfacing materials (excluding all access roads) of the development hereby permitted shall only be carried in strict accordance with the approved details as shown on drawing plan ref. 466/P/HLL/01 Rev G and the relevant samples of materials for the block paviour in burnt ochre, block paving in grey and concrete flags.

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

8. The approved soft landscape works of the development hereby permitted shall only be carried out in strict accordance with the following approved details as shown on drawing plan refs.:



High Peak Borough Council

working for our community

D6270-02-001 Rev J - Landscape Masterplan; D6270.02.003 Rev F; D6270.02.004 Rev F; D6270.02.005 Rev F; D6270.02.006 Rev F; D6270.02.007 Rev F; D6270.02.008 Rev F; D6270.02.009 Rev F; D6270.02.010 Rev F; D6270.02.011 Rev F and D6270.02.012 Rev F

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

9. The implementation of the approved landscaping scheme of the development hereby permitted as contained within Conditions 02 and 08 above shall only be carried out in strict accordance with the following approved details in relation to the scheme of landscape phasing as shown on plan ref. 466/P/POS01 Rev E. Any trees or plants which within a period of five years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with trees, shrubs or hedge plants of a similar size and species.

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

10. No trees, shrubs or hedges within the site of the development hereby permitted 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. Any trees, shrubs or hedges removed without consent, or which die or become severely damaged or seriously diseased within five years from the completion of the development or as specified by the approved Landscape and Ecological Management Plan as per Condition 15 of planning permission ref. HPK/2022/0495 shall be replaced in the next planting season with trees, shrubs or hedge plants of a similar size and species.

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.

11. All tree felling and pruning works of the development hereby permitted shall only be carried out in strict accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works. In addition:

- a) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
- b) No fires shall be lit within 6.0m of the furthest extent of the canopy of any tree or tree group to be retained as part of the approved scheme.
- c) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
- d) No development or other operations shall take place except in accordance with the approved protection scheme and Arboricultural Method Statement (AMS) dated September 2018 by TEP ref. 6270.01.001.

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.

P O Box 136 Buxton SK17 1AQ

Phone 0845 129 77 77 or 01298 28400 Fax 01298 27639 Minicom 0845 129 48 76

E-mail customer-services@highpeak.gov.uk Website www.highpeak.gov.uk

Mobile Text No. 078 0000 2262





High Peak Borough Council

working for our community

12. The removal of trees 37 and 38 as shown on plan ref D6270.002 shall only be carried out in strict accordance with the scheme for the supervision of tree works as set out in the approved Arboricultural Method Statement (AMS) dated September 2018 by TEP ref. TEP.6270.01.001.

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.

13. Notwithstanding the details as shown on plan ref. 466/P/PL/01 Rev A1 of the development hereby permitted, Tree 44 (as located between numbers 84 and 90 Macclesfield Road) shall be retained.

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.

14. The approved surface treatment of the Midshires Way (where it crosses the approved estate road) of the development hereby permitted shall only be carried out in strict accordance with the approved details as shown on drawing plan ref. 466/ED/58 and within three months of the date of the decision for planning permission ref. HPK/2023/0323 dated 13th May 2026.

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. Within one month of the date of the decision for planning permission ref. HPK/2023/0323 dated 13th May 2026, a detailed scheme for the signage and management arrangements for the proposed dedicated car parking provision to serve residents along Macclesfield Road as secured by Condition 22 of planning permission ref. HPK/2022/0495 (and in accordance with the principles established by plan references: 466/ED/CMS2 Rev E 'Construction Method Statement' with the exception of plan ref. 466/ED/CMS2 Rev C as superseded by Site Execution Plan ref. 466-ED-76 Rev J; 466/P/MP01 Rev E 'Planning Layouts Management Plan'; 466/P/HLL/01 Rev J 'External Details Hard Landscaping Layout, Landscape Management Schedule – Rev D and 466/P/PL/01 Rev A1 'Planning Layout) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented within 6 months of the date of the decision ref. HPK/2023/0323 dated 13th May 2026 and thereafter shall be maintained in accordance with the approved details.

Reason:- To safeguard the privacy of the occupants of adjacent properties, in accordance with Policy EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

16. The arrangements for the management and maintenance of the sustainable drainage scheme of the development hereby permitted, if not to be adopted by United Utilities, shall be carried out strictly in accordance with the approved management and maintenance details as shown within the Sustainable Drainage Management and Maintenance Plan Rev 2 as received by the Council on the 17th December 2025 and email correspondence dated 3rd March 2026 concerning the maintenance of the land drains on private land. The sustainable drainage scheme thereafter shall be managed and maintained in accordance with the approved details



High Peak Borough Council

working for our community

prior to the first occupation of the development and until such time as an adoption agreement has been entered into with United Utilities.

Reason:- To ensure that agreed sustainable drainage systems are constructed and maintained appropriately to secure effective operation for the lifetime of the development.

17. The arrangements for the management and maintenance of the proposed streets of the development hereby permitted shall be carried out strictly in accordance with the approved management and maintenance details as shown on plan refs. 466/EF/38 Rev B and 466/P/LD01 (showing yellow areas for the roads to be conveyed to individual properties) and the Highway Management Plan. Where relevant, the proposed streets shall be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980.

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

18. Throughout the construction period of the development hereby permitted, the development shall be carried out in strict accordance with the approved details as contained within the approved Construction Method Statement dated July 2017 with the exception of plan ref. 466/ED/CMS2 Rev C as superseded by Site Execution Plan ref. 466-ED-76 Rev J.

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

19. The sole means of vehicular access of the development hereby permitted shall be from Linglongs Road only.

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.

20. Prior to the first occupation of any dwelling of the development hereby permitted, the permanent residential site access arrangements and modifications to Linglongs Road shall be carried out in strict accordance with plan ref. VD17501-100-01-J.

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.

21. The approved layout and construction details of the residential estate roads and footways (including layout, levels, gradients, surfacing / construction materials, means of surface water drainage and street lighting) shall only be carried out in strict accordance with the following approved details as shown on document and drawing plan refs.:

- Constructional Approval for the Development at Linglongs Road, Whaley Bridge by Barratt Homes Manchester Division dated 30th June 2025 and S38 Construction Approval Appendix ref. DCC File TP 58580
- 466/ED/02 W Engineering Layout
- 466/ED/06 K Highway Surfacing Plan
- 466/ED/12 K Engineering Long Sections Sheet 1



High Peak Borough Council

working for our community

- 466/ED/13 K Engineering Long Sections Sheet 2
- 466/ED/14 M Engineering Long Sections Sheet 3
- 466/ED/16 C Road Construction Sheet 1
- 466/ED/20 E Road Construction Sheet 2
- 466/ED/38 G Section 38 Plan
- 466/ED/43 D Vehicle Swept Paths
- 466/ED/44 D Visibility Splays
- 466/ED/45 C Proposed Highways Contours
- 466/ED/49 C Highway Setting Out
- 466/ED/58 - Midshires Way Highway Crossing
- 466/ED/60 - Oversized Pipe Construction Details Sheet 1
- 466/ED/61 - Oversized Pipe Construction Details Sheet 2
- Reference 54900088 0 Street Lighting and Electrical Design Pack
- Letter P1447 Concrete pipework - Check Certificate (D2/12 Annex C1 – Check of highway structures)

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.

22. The carriageways of the proposed estate roads of the development hereby permitted shall be constructed in accordance with details approved under Condition 21 above, up to and including at least road base level, prior to the first occupation of any dwelling intended to take access from that road. The carriageways and footways shall be constructed up to and including binder course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway between the dwelling and the existing highway. Until the final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or abutting the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with a final surface course within twelve months (or three months in the case of a shared surface road) from the occupation of such dwelling.

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. All internal estate street junctions of the development hereby permitted shall be provided with 2.4m x 25.0 metre minimum visibility splays in each direction, measured to the nearside carriageway edge and the area in advance of the sightlines being laid out as an extended footway / margin, forming part of the estate street and not part of any adjoining plot or other third party land.

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. The estate streets of the development hereby permitted shall be provided with 25.0m forward visibility sightlines around the inside of bends in the street alignment and the area in advance of the sightlines being laid out as an extended footway, forming part of the estate street and not part of any adjoining plot or other third-party land.



High Peak Borough Council

working for our community

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.

25. Individual driveways of the development hereby permitted shall be provided with 2.4m x 25.0 metre visibility splays in each direction to the new estate street, measured to the nearside carriageway channel level and the area in advance of the sightlines remaining thereafter free from any obstructions to visibility over 1.0m in height from ground level (or 750mm in the case of vegetation) relative to the nearside carriageway channel level.

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.

26. No dwelling of the development hereby permitted shall be first occupied until the estate street has been provided with suitable turning arrangements to enable service and delivery vehicles to turn in accordance with the approved details as shown on approved plan ref. 466/ED/43 D. In the case where interim turning arrangements are constructed, these must remain available until any permanent estate street turning is available in accordance with the approved estate street designs as referred to in Condition 21 above.

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.

27. No dwelling of the development hereby permitted shall be first occupied until space has been provided within the site curtilage / plot for the parking of residents and visitors vehicles associated with that dwelling in accordance with the approved plan drawings as referred to in Conditions 02 and 21 above. The facilities shall be retained throughout the life of the development free from any impediment to their designated use, for the parking of motor vehicles at all times.

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.

28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and/or re-enacting that Order) the garages hereby permitted of the development hereby approved shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles associated with the residential occupation of the dwelling to which it relates without the grant of planning permission from the Local Planning Authority.

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.

29. No dwelling of the development hereby permitted shall be first occupied until the approved secure cycle parking facilities for the occupants of, and visitors, associated with that dwelling have been made available in accordance with the approved details as shown on plan ref.



High Peak Borough Council

working for our community

466/P/PL/01 Rev A1 insofar as they relate to the Cycle/Shed Store locations and Cycle Shed Details as received on the 2nd April 2026 and thereafter shall be retained for use at all times.

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

30. No gates or other barriers of the development hereby permitted, including any part of their opening arc shall be permitted to open out over private or public highway areas. Gates shall open inwards only or shall be set back an appropriate distance within the site to accommodate a parked vehicle.

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.

31. The proposed property access drives of the development hereby permitted shall be no steeper than 1 in 10 for the first 5.0 metre from the nearside highway boundary and shall be provided with sufficient vertical curvature to prevent the grounding of vehicles when traversing to and from the highway.

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.

32. With the exception of the works as required by Condition 20 above of the development hereby permitted, the means to prevent the discharge of water from the development onto the adjoining highway, including its disposal shall be carried out and completed prior to the first use of the principal access from Linglongs Road in strict accordance with plan refs.: VD17501-100-01 Rev H, VD17501-100-04.1 Rev D, VD17501-100-04.2 Rev A, VD17501-120-01 Rev D, VD17501-120-02 Rev D and VD17501-120-03 Rev A. The approved scheme thereafter shall be retained throughout 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.

33. The new retaining wall structure along Linglongs Road, including details of the external materials to be used and the timetable for its construction shall be in strict accordance with the approved details as shown on plan refs.: 466/P/BTD/02, VD17501-100-01 Rev J, VD17501-100-04 Rev D, VD17501-120-01 Rev D, VD17501-120-02 Rev D and VD17501-120-03 Rev A. The approved scheme shall thereafter be retained throughout the lifetime of the development.

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



High Peak Borough Council

working for our community

Informative(s)

1. The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application discussions to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and accord with the development plan. These were incorporated into the scheme and / or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirements of Paragraph 39 of the National Planning Policy Framework.

Local Highway Authority:

- a. Pursuant to Section 38 and the Advance Payments Code of the Highways Act 1980, the proposed new estate roads should be laid out and constructed to adoptable standards and financially secured. Advice regarding the technical, financial, legal and administrative processes involved in achieving adoption of new residential roads may be obtained from the Strategic Director Economy, Transport and Environment at County Hall, Matlock (telephone: 01629 580000 and ask for the Development Control Implementation Officer - North).
- b. 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.
- c. 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 across the footway margin. This usually takes the form of a dish channel or gulley laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.
- d. Pursuant to Sections 219/220 of the Highways Act 1980, relating to the Advance Payments Code, where development takes place fronting new estate streets the Highway Authority is obliged to serve notice on the developer, under the provisions of the Act, to financially secure the cost of bringing up the estate streets up to adoptable standards at some future date. This takes the form of a cash deposit equal to the calculated construction costs and may be held indefinitely. The developer normally discharges his obligations under this Act by producing a layout suitable for adoption and entering into an Agreement under Section 38 of the Highways Act 1980. Where residential construction works commence ahead of any adoption Agreement being in place the Highway Authority will be obliged to pursue the Advance Payments Code sum identified in the notice.
- e. 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. It



High Peak Borough Council

working for our community

must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 278 Agreements may be obtained from Development Control at County Hall, Matlock (telephone: 01629 533190 or 01629 535463). The applicant is advised to allow approximately 16 weeks in any programme of works to obtain a Section 278 Agreement.

- f. Pursuant to Section 50 (Schedule 3) of the New Roads and Street-works Act 1991, before any excavation works (for Statutory Undertaker connections etc.) are commenced within the limits of the existing public highway, at least 6 weeks prior notification should be given to the Strategic Director Economy, Transport and Environment at County Hall, Matlock (telephone: 01629 533190 or 01629 535463 and ask for the New Roads and Street-works Section).
- g. The applicant is advised to obtain a technical approval for all estate street details from the Local Highway Authority prior to the submission of any details to the Local Planning Authority, to discharge Condition [7]. At present the construction approval process may take up to 12 weeks to achieve, depending on the appropriateness and completeness of the original information submitted, the applicant should therefore allow sufficient timescales within their development program to accommodate this. Without construction approval being issued the Highway Authority would not be in a position to discharge the condition within the normal planning application consultation period.
- h. The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc.). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.
- i. The application site is affected by a public Right of Way (Footpath number HP23/57/2 Whaley Bridge on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 01629 533190 or 01629 535463 and asking for the Rights of Way Duty Officer. Please note that the granting of planning permission is not consent to divert or obstruct a public right of way. If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 01629 533190 or 01629 535463 for further information and an application form. If a right of way is required to be permanently diverted then the Council that determines the planning application (The Local Planning Authority) has the necessary powers to make a diversion order. Any development insofar as it will permanently affect a public right of way must not commence until a diversion order (obtainable from the Local Planning Authority) has been confirmed. A temporary closure of the public right of way to facilitate public safety during the works may then be granted by the County Council.
- j. Derbyshire County Council strongly promotes Sustainable Drainage Systems (SuDS) to be incorporated within the design of a drainage strategy, applying the SuDS



High Peak Borough Council

working for our community

management train. The applicant should also seek to promote betterment or meet green-field runoff rates taking into account the impacts of climate change. For more advice regarding the County Council's requirements please contact flood.team@derbyshire.gov.uk

- k. The applicant should be aware that commuted sums will be payable to the Highway Authority for the future maintenance of any extra over carriageway, trees, drainage features and any other non-standard highway infrastructure that the Highway Authority may adopt as part of the proposed works – please see the 6C's design guide for further advice and how any commuted sums may be calculated.
- l. Under the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, all works that involve breaking up, resurfacing and / or reducing the width of the carriageway require a notice to be submitted to Derbyshire County Council. Works that involve road closures and / or are for a duration of more than 11 days require a three month notice; developers' works will generally fall into this category. Developers and Utility companies (for associated services) should prepare programmes for all works that are required for the development, such that these can be approved through the coordination, noticing and licencing processes. This will require developers and Utility companies to work to agreed programmes and booked slots for each part of the works. Discussions should therefore take place with Derbyshire County Council's Highway Noticing Section, at County Hall, Matlock at the earliest stage possible.
- m. Effective monitoring is an essential requirement of a successful Travel Plan. The Highway Authority recommends the use of the STARSFor Travel plan toolkit: <https://www.starsfor.org> although other monitoring methods are available. Use of this system ensures a consistency of quality and puts in place a straightforward system for subsequent updating and monitoring. Fees are levied for the use of this system. Contact: sustainable.travel@derbyshire.gov.uk for more details.
- n. During the course of the consideration of the application the Council sought amendments to the proposals to ensure that the development reflected the character of the locality. It is therefore considered that the proposals meet the provisions of paragraph 38 of the NPPF.

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council





High Peak Borough Council

working for our community

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](tel:03338802000).
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



High Peak Borough Council

working for our community

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.
9. Developers should also be aware of the provisions of the Gas Safety Regulations 1972 and Gas Safety (Installation and Use) Regulations 1984. It is possible that the existing gas service pipe which lies within the area of the proposed extension of alterations which will contravene the provisions of these Regulations. It is necessary that you contact British Gas, North West House, Gould Street, Manchester, M4 4DJ, who will advise if the existing gas service pipe requires alterations.

