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High Peak Borough Council

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TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

FULL PLANNING APPLICATION

PERMISSION

Applicant
Heyrose Property Group & Federal Mogul Ltd
c/o Agent DPP Consulting Ltd

Agent
DPP Consulting Ltd
Abbey Business Centre 53
Fountain Street
Manchester
M2 2AN

Application no. HPK/2012/0408

Registered on 29/10/2012

Determined on 07/11/2013

High Peak Borough Council hereby **PERMIT** this application for **FULL PLANNING PERMISSION** for

Proposed 164 Residential Units at Land off Hayfield Road & Burrfields Road Chapel-en-le-Frith

in accordance with the submitted application, details and accompanying plans listed below subject to the following conditions and reasons:-

Conditions

1. The development hereby permitted shall be begun before the expiration of two years from the date of this permission

2. No development shall commence (excluding demolition and site clearance) until a scheme of phasing for the development of the proposed housing has been submitted to and approved in writing by the local planning authority. The proposed scheme shall include the following;

[redacted] phases

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b) Plan illustrating phases
c) Number of homes in each phase
d) Means of access to each phase
e) A mechanism for ensuring that no dwelling is occupied until such time as the estate street constructed to adoptable standards has been constructed between that dwelling and the existing public highway.

The development shall be brought forward in accordance with the approved phasing scheme unless otherwise agreed in writing by the local planning authority.

3. Before any other operations are commenced (excluding demolition and site clearance) a temporary access for construction purposes shall be formed leading to Hayfield Road, laid out, constructed and provided with 2.4m x 47m visibility splays as capable in either direction in accordance with detailed designs to be submitted in advance to the local planning authority and approved in writing the area in advance of the sightlines being cleared of all obstructions greater than 1m in height (0.6m in the case of vegetation) maintained throughout the contract period free from any impediment to its designated use.

4. Before any other operations are commenced (excluding demolition and site clearance) details for a site compound shall be submitted to and approved in writing by the local planning authority. The details shall include provision within the site curtilage for storage of plant and materials, site accommodation, loading and unloading of goods vehicles and the parking and manoeuvring of site operatives' and visitors' vehicles. The approved site compound shall be implemented in accordance with the approved details and retained throughout the contract period in accordance with the approved designs and free from any impediment to its designed use. Any revision to the site compound arrangements shall only be undertaken following the written agreement of the local planning authority in line with the approved phasing scheme (condition 2).

5. No development on any phase shall commence (excluding demolition and site clearance) until details of the new estate streets within the application site have been submitted to and approved in writing by the local planning authority. The details shall include the layout and construction of the streets to the local highway authority's current criteria for adoption, and the programme for their construction. The streets shall be constructed to adoptable standards in accordance with the approved details.

6. No development on the phase that includes plots 6, 7 and 8 (as shown on hereby approved Planning Layout 429/P/PL/01/Rev A) shall commence (other than demolition and site clearance) until details to restrict vehicular access to plot numbers 6, 7 and 8 from Burrfields Road only have been submitted to and approved in writing by the local planning authorities. The details shall include a plan and measures to provide a permanent physical barrier erected across the access between plots 5 and 6. The development shall be carried out in accordance with the approved details which shall be retained thereafter.

[redacted]

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7. No dwelling shall be occupied until a Travel Plan has been set-up in accordance with the approved Interim Travel Plan (SCP, WB/12139/TP – Section 8.0 Action – Initial Setup) which shall have been submitted to and approved in writing by the local planning authority. The Travel Plan shall set out measures to minimise single car occupancy of vehicles to and from the development (objective 1) and address the access needs of site users by promoting travel by sustainable modes of transport by residents including, walking, cycling and public transport (objective 2). Monitoring and review of the approved Travel Plan shall be undertaken annually on the anniversary of implementation for the first five years following first occupation, and within three months of the anniversary a progress report shall be issued to the local planning authority and residents including details of any proposed modifications following review. The development shall be carried out in accordance with the approved Travel Plan

8. No dwelling shall be occupied (except those accessed only from Burrfields Road) until the proposed new estate road junction has been formed to Hayfield Road in accordance with the application drawings (Proposed Site Access Arrangement, SCP dated 14.6.02), laid out, constructed to base level and provided with 2.4m x 47m visibility splays in either direction, the area in advance of the sightlines being levelled, constructed as footway and not being included in any plot or other sub-division of the site.

9. The works to construct the proposed new estate road junction to Hayfield Road shall not commence until tree protection measures as set out in approved plan Site Access Arrangement Section Info SCP/13503/FO1 Rev A have been implemented. The tree protection measures shall be retained in situ throughout the duration of construction of the new estate road junction.

10. No dwelling shall be occupied (except those accessed only from Burrfields Road) until the proposed new estate streets between the respective dwelling/plot and the existing public highway has been laid out generally in accordance with the approved plans confirm to the local highway authority's current design guide for new residential roads, constructed to base level, drained and lit.

11. No dwelling shall be occupied (except those accessed only from Burrfields Road) until a new vehicular access for the dwelling/plot has been created to the new estate street in accordance with the approved layout, laid out, constructed and provided with 2.4m x 18m visibility splays in either direction. The area in advance of the sightlines within the plot shall be maintained throughout the life of the development clear of any object greater than 1 metre in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

12. No individual dwelling shall be occupied on plots 9, 33 to 51 (as shown on hereby

[redacted]

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approved Planning Layout 429/P/PL/01/Rev B) until a new vehicular access for the dwelling/plot has been created to Burrfields Road in accordance with the approved layout, laid out, constructed and provided with 2.4m x 43m visibility splays in either direction. The area in advance of the sightlines within the plot shall be maintained throughout the life of the development clear of any object greater than 1 metre in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway channel level.

13. No development on any phase shall commence (excluding site clearance and demolition) until samples of materials to be used in the construction of the external surfaces of the buildings within that phase have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

14. No development shall commence on any phase (excluding site clearance and demolition) until a scheme which sets out necessary acoustic mitigation measures for each dwelling within that phase has been submitted to and approved in writing by the local planning authority. The scheme shall include the following details;

a) A revised Mitigation Plan (WSP Noise Report, Appendix D, 8.1.5) to show the mitigation measures required for each dwelling;
b) Details of mitigation measures to ensure each dwelling satisfies the minimum requirement to attain an internal noise level of 30dB $L_{Aeq,T}$ (BS8233:1999 'good' internal noise environment for sleeping/resting)

The development shall be carried out in accordance with the approved scheme for each phase.

15. No dwelling in any phase shall be occupied until a bund and acoustic fence has been provided along the south-western site boundary in accordance with a scheme for that phase that has been submitted to and agreed in writing by the local planning authority. The scheme shall be designed in accordance with the details set out in WSP Noise Report (31755.001.120704.R1 dated 12/10/2012) section 6.1 and 6.2 and Appendix B, and shall include the following details:

a) Plans showing the extent and position of the bund and acoustic fence in that phase (and any future phases);
b) Details of construction phasing;
c) Details of the acoustic fence and materials;
d) Details of planting to the eastern side of the bund;
e) A management plan demonstrating how the bund and acoustic fence shall be managed, maintained and protected in the long-term

The development shall be carried out in accordance with the approved scheme for each phase.

16. No development shall commence (excluding site clearance and demolition) until a Woodland Habitat Management and Enhancement Plan relating to the retained woodland area has been submitted to and approved in writing by the local planning authority. The Plan shall include the following details;

a) Planting proposals to increase the diversity of the via the planting of a mixture of suitable native standard trees;

[redacted]

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b) Enhancing the shrub layer via removal of invasive and non-native species (including Rhododendron and Snowberry) and the planting of suitable small trees and shrubs; and
c) Enhancing understory vegetation and promoting woodland herb cover within the retained woodland

The development shall be carried out in accordance with the approved Plan.

17. No development shall commence in any phase (excluding site clearance and demolition) until details of provision for bat habitats for each phase has been submitted to and approved in writing by the local planning authority. The details shall include the provision of bat bricks/tubes installed in selected dwellings (6 no. across all phases); 4no. bat boxes provided within the retained woodland area, and a phased implementation schedule. The development shall be carried out in accordance with the approved details for each phase.

18. No development shall commence in any phase (excluding site clearance and demolition) until full details of hard and soft landscape works for that phase have been submitted to and approved in writing by the local planning authority. The details shall include a planting plan, written specifications, schedules of plants noting species, plant size and proposed numbers and implementation programme. The development shall be carried out in accordance with the approved landscape details for each phase.

19.All planting, seeding and turfing comprised in the approved landscaping works (condition 19) for each phase shall be carried out in the first planting/seeding season following the first occupation of dwellings in that phase and no later than within 12 months of that first occupation or completion of the development phase, whichever is sooner. Any trees or plants which within 5 years from the completion of the relevant phase of development 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 the local planning authority gives written consent to any variation.

20. No dwelling shall be first occupied in any phase until a landscape management plan for that phase, including long term design objectives, management responsibility and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall have been submitted to and approved in writing by the local planning authority. The landscape management plan shall be carried out as approved for that phase.

21. No development shall commence (excluding site clearance and demolition) until a scheme to limit the surface water drainage for the site, based on sustainable drainage principles and the proposed layout 3509/501 Rev A submitted to Environment Agency by CEC (19 February 2013), has been submitted to and approved in writing by the local planning authority. The scheme shall include the following;
a) Details of exceedence event up to 1 in 100 year event including climate change allowance;
b) Details of how the scheme shall be maintained and managed after completion; and
c) Details of an [redacted] phased implementation

[redacted]

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The development shall be carried out in accordance with the approved scheme for each identified phase.

22. No development shall commence on any phase (excluding site clearance and demolition or an approved scheme of remediation) until a scheme to deal with the risks associated with contamination of the site in the respective phase shall have been submitted to and approved in writing by the local planning authority. The scheme shall include the following details for each identified phase;

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 are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) (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 prepared, and is subject to the approval in writing of 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 in accordance with its terms prior to the commencement of development other than that required to carry out [redacted] unless otherwise agreed in writing by -the Local Planning Authority. The

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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 produced, and is subject to the approval in writing of 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 condition 23(1), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 23(2), which is subject to the approval in writing by the local planning authority.

Following completion of measures identified in the approved remediation scheme for a phase of development a verification report for the relevant phase must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 23(3).

23. No construction /demolition work or deliveries to the site shall take place outside the following hours:

i) 07:00 hours to 19:00 hours Mondays to Fridays
ii) 08:00 hours to 16:00 hours Saturdays
iii) At any time on Sundays or Public Holidays except by agreement with the local planning authority

Any equipment which needs to be operated outside of the hours specified shall be acoustically screened in accordance with a scheme that shall have been submitted to and agreed in writing by the local planning authority prior to operation.
Any deliveries which need to be made outside of the hours specified shall be agreed in writing with the local planning authority prior to delivery.

24. No development on any phase shall commence until a scheme of dust suppression has been submitted to and agreed in writing by the local planning authority. The scheme has include measures to prevent dust escaping from the site (e.g. wet suppression of dust during dry periods or cessation of activities during windy periods) and measures to clean vehicular wheels as appropriate to prevent mud on the highway. The development shall be carried out in accordance with the approved scheme.

25. No development shall commence on any phase until an appropriate scheme to prevent the release of asbestos fibres into the air relevant to that phase of development has been submitted to and approved in writing by the local planning authority. The scheme shall detail the methods to be applied to prevent the release of asbestos fibres into the air including air monitoring on the boundary of relevant works to verify that the methods are working. The development of each phase shall be carried out in accordance with the approved scheme for

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that phase.

26. No piling (if necessary) shall be undertaken by the developer until a written method statement has been submitted to and approved in writing by the local planning authority. The method statement shall be prepared in line with Environment Agency guidance (Environment Agency (2001), Piling and Penetrative Ground Improvements on Land Affected by Land Contamination NC/99/73) and shall also agree hours for piling operations. All piling shall be undertaken in accordance with the approved method statement.

27. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased with five years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.

28. No operations shall commence on site in connection with the development hereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority and the protective fencing is erected as required by the AMS.

The AMS shall include full details of the following:

a) Timing and phasing of Arboricultural works in relation to the approved development.

b) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works.

c) Details of a tree protection scheme in accordance with BS5837:2012 which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are shown to be retained on the approved plan and trees which are the subject of any Tree Preservation Order.

e) Details of any construction works, including changes in ground level, required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme

f) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the arboricultural method statement

29. a) All tree felling and pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works.



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b) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection 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 complete accordance with the approved protection scheme and Arboricultural Method Statement

30. No operations shall commence on site in connection with the development hereby approved (including demolition works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the detailed design and construction method statement of vehicular drives, parking areas and other hard surfacing within the root protection area (as defined by BS5837:2012) has been submitted in writing and approved by the Local Planning Authority.

The design and construction must:

a) Be in accordance with the recommendations of BS5837:2012.

b) Include details of existing ground levels, proposed levels and depth of excavation.

c) Include details of the arrangements for the implementation, supervision and monitoring of works

Reasons

1. The time limit condition is imposed in order to comply with the requirements of sections 91, 92, 93 and 56 of the Town and Country Planning Act 1990 and section 51 of the Planning and

[redacted]

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Compulsory Purchase Act 2004.

2. In the interersts of the proper planning of the site.

3,4,5,6,7,8,10,11,12 In the interests of highway safety and to ensure that the site is developed in a safe manner in the interests of the amenity of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

13. In the interests of visual amenity, in accordance with Policy GD6 of the High Peak Saved Local Plan Policies 2008.

14,15,23, 24, 26 In the interests of residential amenity in the area.

16,17,18, 19, 20, In the interests of ecological and residential amenity interests and the proper planning of the area.

21.To prevent pollution of water environment, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

22,25. To ensure that the site is developed in a safe manner in the interests of the amenity of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

9,27,28,29,30.To ensure the continued well being of the trees in the interests of the amenity and environmental quality of the locality.

Summary of reasons for granting permission

The decision to grant planning permission has also been taken having regard to all other relevant material planning considerations and to the following relevant policies and proposals in the Development Plan.

POLICIES RELEVANT TO THIS DECISION

High Peak Local Plan Saved Policies

BC5 - Conservation Areas
BC6 - Demolition in Conservation Areas
Archaeological and Other Heritage Features
EMP 4 - Primary Employment Zones
EMP 6 - Industry and business within the built-up area boundaries and homeworking
GD2 - Built up area boundaries
H5 - Housing within the Built up Area Boundaries

National Planning Policy Framework

[redacted]

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Notes to Applicant

THIS PLANNING PERMISSION SHALL BE READ IN CONJUNCTION WITH THE RELATED SECTION 106 PLANNING OBLIGATION DATED 22 OCTOBER 2013.

Plans

The plans to which this Notice refers are listed below:
13019 MAN 01 Location Plan
SDL 1906/1
429/P/PL 01
429/P/BTL 01
429/P/SHL 01
429/P/RSL 01
429/P/SS/01
429/HTA-B/C/01
429/HT/A-B/C/02
429/HT/C/C/01
429/HT/D/C/01
429/HT/E/C/01
429/HT/F/C/01
429/HT/G/C/01
429/HT/H/C/01
429/HT/J/C/01
429/HT/K/C/01
429/HT/L/C/01
429/HT/M/C/01
429/HT/N/C/01
429/HT/P/C/01
429/HT/Q/C/01
429/HT/R/C/01
429/HT/S/C/01
429/SG/C/01
429/DG/C/01
429/TG/C/01
429/WF/01

Please Note: This decision notice does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting the Councils Building Control Section on 0845 129 7777.

Any other statutory consent necessary must be obtained from the appropriate authority.

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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, Derbyshire, County Council at County Hall, Matlock, Derbyshire, tel. 01629 580000.

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.

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.

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.

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