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High Peak Borough Council

working for our community

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 Mr Cameron Hammond
Dow Hyperlast
Station Road
Birch Vale
SK22 1BR

Agent Gibson Architects
105E Burton Road,
West Didsbury
Manchester
M20 1LH

Application no. HPK/2011/0044

Registered on 27/01/2011

Determined on 24/03/2011

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

Installation of LGV stack to existing building and installation of Steam Boiler and associated chimney at Hyperlast Ltd Birch Vale Industrial Estate Birch Vale

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

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission unless some other specific period has been indicated in other conditions given.

2. The materials of external construction shall match those used on the existing building in their colour, form and texture, unless otherwise agreed in writing with the

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Andy Ellis – Development Control Manager

Local Planning Authority.

3. No discharges to atmosphere of any gaseous or particulate matter shall take place until full details of the necessary measures to be taken to mitigate against air pollution arising from the development have been submitted to and approved by the Local Planning authority. The measures shall thereafter be implemented prior to commencement and kept in place for the lifetime of the development.

4. The use hereby permitted shall not commence until a noise control scheme has been submitted to and approved by the Local Planning Authority. Such an approved scheme shall be implemented to the satisfaction of the Planning Authority before the use approved is commenced.

The scheme shall include a full acoustic survey to determine the daytime and night time pre- existing background noise level at the nearest residential properties. The scheme shall also include predicted noise levels from plant and equipment at the same position. It shall include noise attenuation measures to prevent the rating level determined over a representative period of 1 hour during the day and 5 minutes during the night when the plant and equipment is in operation exceeding the pre-existing background noise level at the nearest residential properties as determined in accordance with BS4142: 1997.

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 Compulsory Purchase Act 2004.

2. In the interests of visual amenity, in accordance with Policy GD4 (and Policies BC5 and BC8 in respect of developments in conservation areas/listed buildings) of the High Peak Saved Local Plan Policies 2008.

3. In order that the amenities of the district shall not be injured, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

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Summary of reasons for granting permission

The decision to grant planning permission has been taken because the Council considers that the application has put forward a proposal which is acceptable in terms of visual impact, flood risk, archaeological impact and highway safety.

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
PPS5 - 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
GD3 - Improvement Corridors
PPS5 - Flood Risk

Plans
The plans to which this Notice refers are listed below:

PL001
PL002
PL003
PL004
PL005
PL006

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.

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

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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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Andy Ellis – Development Control Manager