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High Peak Borough Council

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Mr Mark Dickinson
Staden Lane Industrial Estate
Buxton

Application no: HPK/2016/0317

Determined on: 27/09/2016

**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:

Land to North West of Electricity Sub Station Waterswallows Lane Buxton Derbyshire

Description of Development:

Proposed change of use of agricultural land to B2 (General Industry), construction of two buildings for storage and processing of sand and stone aggregate products including preparation for onward transportation to customers; ancillary office space; vehicular access and turning space for HGV's; staff and visitor parking; landscape planting and drainage pond.

In pursuance of their power under the above mentioned Act, High Peak Borough Council Planning Authority, **HEREBY GRANTS PLANNING PERMISSION** for the development described above subject to the following condition(s):-

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

Reason:- To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

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

- Location Plan and Red Edge
- Proposed Site Plan drawing no. Penn/Plan 1 Rev F
- Proposed Elevations Penn/Plan 2 Rev B

Reason:- For the avoidance of doubt and in the interests of proper planning.





Occupancy

3. Notwithstanding the terms of the Town and Country Planning (Use Classes) Order 1987 (or as subsequently amended) and the General Permitted Development Order 2015 (or as subsequently amended), the application site edged red shall only be used and operated for the storage and processing of sand and stone aggregate products and for no other purpose.

Reason:- For the avoidance of doubt and in the interests of proper planning.

Appearance

4. No implements, machinery, boxes, crates, drums, pallets, refuse or other material (including sand and stone aggregate material) shall be placed or stored on the application site edged red otherwise than within the buildings hereby approved, except for the external storage bays, which shall only be used for the storage of loose sand and stone aggregate and for no other purpose.

Reason:- To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the countryside.

5. Notwithstanding the plans hereby approved, no development shall be commenced until details of the following have been submitted to and approved in writing by the Local Planning Authority:-

- External elevation facing details and materials
- Hard surfacing
- Window and door details
- Boundary details, including mounds
- Storage bays

Development shall thereafter be undertaken in accordance with the approved details and implemented prior to any use of the site.

Reason:- To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the countryside.

6. The development hereby permitted shall not be commenced until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the proposed buildings and proposed mounds have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details.

Reason:- To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the countryside.

Highways

7. The approved access as shown on the amended application drawing ref. 'Proposed Site Plan drawing no. Penn/Plan 1 Rev F' shall not be brought into use until it has been laid out, constructed and provided with 2.4m x 160.0m visibility splays in either direction, the area in advance of the sightlines being maintained clear of any obstruction greater than 1.0m in height (0.6m in the case of vegetation) relative to adjacent carriageway channel level throughout the life of the development.



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Reason:- In the interests of highway safety.

8. There shall be no gates or other barriers within 15.0m of the nearside highway boundary and any gates shall open inwards only.

Reason:- In the interests of highway safety.

9. The initial 15.0m of access driveway (measured back from the nearside highway boundary) shall be surfaced with a solid, bound material (not loose chippings).

Reason:- In the interests of highway safety.

10. The application site edged red shall not be taken into use until space has been provided within the application site in accordance with the amended application drawing ref. 'Proposed Site Plan drawing no. Penn/Plan 1 Rev F' for the parking and turning of staff and visitors vehicles, loading, unloading, parking and turning of goods vehicles and shall be laid out and constructed of a material in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. Development shall thereafter be undertaken in accordance with the approved details and shall be maintained throughout the life of the development free from any impediment to its designated use.

Reason:- In the interests of highway safety.

Landscaping

11. Before the commencement of development (including any demolition, site clearance, stripping or site establishment), a comprehensive landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include full details of any new tree, shrub, hedge, herbaceous and grass planting, giving specification for species, positions, planting sizes and numbers/densities of all new planting. The landscaping scheme so approved shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. The trees, shrubs and other plants which are planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.

Reason:- To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the countryside.

Ecology

12. No development hereby permitted shall be commenced until a 'Landscape and Habitat Enhancement & Management Plan', including long term design objectives, management responsibilities, maintenance schedules for the application site edged red has been submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be implemented in accordance with the agreed timescales and thereafter shall be subsequently maintained in accordance with the approved details.

Reason:- In the interests of ecology.





13. No removal of any hedgerows, trees or shrubs or works to demolish structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive unless a competent ecologist has undertaken a detailed check of vegetation for active birds' nests immediately before vegetation clearance and provided written confirmation that no birds will be harmed and /or that there are appropriate measures in place to protect nesting birds on site. Any such written confirmation must be submitted to the Local Planning Authority prior to any work commencing.

Reason:- In the interests of ecology.

Drainage

14. No development hereby approved shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site, in accordance with DEFRA Non-statutory technical standards for sustainable drainage systems (March 2015) has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to any use of the site edged red.

Reason:- To ensure that the principles of sustainable drainage are incorporated into this proposal and sufficient detail of the construction, operation and maintenance of sustainable drainage systems.

15. No development shall take place until such time as a surface water drainage scheme that incorporates an appropriate number of surface water treatment stages to protect the receiving waterbody from adverse impacts from the development has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to any use of the site edged red.

Reason:- To ensure that surface water discharged from the site is managed appropriately to reduce the impacts of sediment, silt and pollutants derived from the site on the receiving waterbody.

Amenity

16. There shall be no visible dust emissions beyond the application site edged red associated with activities undertaken at the site.

Reason:- To avoid the risk of disturbance to neighbouring uses from any adverse impacts of excessive dust.

17. No development hereby permitted shall be commenced until a scheme detailing external light sources including floodlighting has been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details. The light sources shall remain shielded to the satisfaction of the Local Planning Authority throughout the life of the development in accordance with the approved scheme.

Reason:- To avoid the risk of disturbance to neighbouring uses from any adverse impacts of excessive light.



18. The floodlights shall only be lit between 15:00 hours and 22:00 hours on any given day.

Reason:- To avoid the risk of disturbance to neighbouring uses from any adverse impacts of excessive light.

18. No machinery shall be operated, no process shall be carried out and no deliveries shall be taken at or despatched from the application site edged red outside the hours of 7:00 - 16:00 hours on Sundays or Bank Holidays.

Reason:- To avoid the risk of disturbance to neighbouring uses from noise during unsocial hours.

19. No development hereby permitted shall be commenced until a noise control scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a full acoustic survey to determine the daytime and night-time pre-existing background noise levels at the nearest residential properties together with predicted noise levels from plant and equipment at the same position. The survey shall be undertaken in accordance with BS 4142: 2014. The level of noise emitted from the site shall not exceed the determined rated background noise levels when measured at any residential property. The scheme hereby approved shall be implemented to the satisfaction of the Local Planning Authority before any use of the site edged red is commenced.

Reason:- To avoid the risk of disturbance to neighbouring uses from noise during unsocial hours.

20. No development hereby permitted shall take place until a Construction and Environmental Method Statement for the site has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

- The method and duration of any pile driving operations (expected starting date and completion date);
- The hours of work for all noisy activities shall be restricted to the following times of operations: 08:00 - 18:00 hours (Monday to Friday), 08:00 - 13:00 hours (Saturday) and no working is permitted on Sundays or Bank Holidays. In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary;
- Pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;
- The arrangements for prior notification to the occupiers of potentially affected properties;
- The responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
- A scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The approved dust suppression measures shall be maintained in a fully functional condition for the duration of the construction;
- Details of wheel washing facilities. All construction vehicles shall have their wheels cleaned before leaving the site;



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- A scheme for recycling/disposal of waste resulting from the construction works;
- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials;
- The storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate, and,
- Installation and maintenance of wheel washing facilities.

All works within the development shall be carried out in accordance with the approved details.

Reason:- In the interests of the general amenity of the area.

21. No development hereby permitted shall take place until a written scheme of investigation (WSI) for archaeological monitoring for the site has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

- I. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives;
- II. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- III. The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be met until these elements have been fulfilled in accordance with the programme set out in the WSI.

Development shall be undertaken in accordance with the approved details.

Reason:- In the interests of the recording any isolated prehistoric features within the site.

Informative

1. The revised scheme is considered to be a sustainable form of development to conform to the provisions of the NPPF.
2. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 6 weeks prior notification should be given to the Strategic Director of Economy, Transport and Communities at County Hall, Matlock in connection with the proposed access crossover works within highway limits. The crossover shall be laid out and constructed to commercial grade specification. Information and application forms regarding the undertaking of access works within the highway are available via the County Council's website at: http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp
3. Pursuant to Sections 149 and 151 of the Highways Act 1980, measures 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 responsibility of the applicant to ensure that all reasonable steps (wheel washing, street cleansing) are taken to maintain the roads in the vicinity of the site to a





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satisfactory level of cleanliness.

4. The County Council do not adopt any private SuDS schemes. As such, it should be confirmed prior to commencement of works which organisation will be responsible for SuDS maintenance once the development is completed.
5. Any works in or nearby an ordinary watercourse require may consent under the Land Drainage Act (1991) from the County Council (e.g. an outfall that encroaches into the profile of the watercourse, etc) to make an application for any works please contact Flood.Team@derbyshire.gov.uk
6. The applicant should ensure there is a sufficient buffer strip in place which will allow for efficient maintenance to take place. The County Council would recommend an easement of approximately 3.0m if the swale is less than 2.0m in width and 4.5m for swales over 2.0m in width. Whilst this is not stipulated within any legal byelaw the County Council would recommend these distances in order to safeguard access for essential maintenance and inspection purposes.
7. The County Council would prefer the applicant to utilise existing landform to manage surface water in mini/sub-catchments. The applicant is advised to contact the County Council's Flood Risk Management Team should any guidance on the drainage strategy for the proposed development be required.

X *B.J. Haywood*

Signed by: Haywood, Ben

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 the Councils Building Control Section.
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



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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.

