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SK23 7AD



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SK23 7AD

Mr A Hill  
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Application no: HPK/2016/0638

Determined on: 20<sup>th</sup> February 2017

**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 Off Bowden Lane, Bowden Lane, Chapel-En-Le-Frith Derbyshire

**Description of Development:**

Proposed new B8 (Storage or Distribution) units with associated car parking and landscaping. The development will be split into Unit 1 and Unit 2.

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg Nos. 1332.PL01A Amended Site Plan, 1332.PL02 Proposed Elevations, and 1332.PL03 Proposed Plans.

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

3. No development shall commence until samples of the materials to be used in the construction of external walls and roofs of the building and hard surfaces have been





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submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in complete accordance with the approved materials.

Reason:- To ensure that the external appearance of the development is appropriate to its surroundings in accordance with Policy EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

4. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;
- (i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- (k) retained historic landscape features and proposed restoration, where relevant.

Reason:- To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features, in the interests of visual amenity, in accordance with Policies S1 and EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

5. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, 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 otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason:- To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features, in the interests of visual amenity, in accordance



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with Policies S1 and EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

6. Before any operations are commenced, space shall be provided within the site curtilage for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading / unloading and manoeuvring of goods vehicles, designed, laid out and constructed all as may be agreed in writing with the Local Planning Authority in advance of construction work commencing and maintained free from impediment throughout the duration of construction works

Reason:- In the interests of highway safety and to accord with Policy CF6 of the High Peak Local Plan.

7. Before any operations are commenced a new private vehicular access shall be created to Bowden Lane in accordance with the application drawings, laid out, constructed and provided with visibility sightlines extending from a point 2.4m from the carriageway edge, measured along the centre line of the access, to the extremities of the site frontage abutting the highway in each direction. The land in advance of the sightlines shall be maintained in perpetuity clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to the adjoining nearside carriageway edge.

Reason:- In the interests of highway safety and to accord with Policy CF6 of the High Peak Local Plan.

8. The proposed private vehicular access to Bowden Lane shall be no steeper than 1 in 15 for the first 10m from the nearside highway boundary and measures shall be implemented to prevent the flow of surface water onto the adjacent highway. Once provided any such facilities shall be maintained in perpetuity free from any impediment to their designated use.

Reason:- In the interests of highway safety and to accord with Policy CF6 of the High Peak Local Plan.

9. The access shall not be gated within 5m of the highway limits and where fitted, gates shall open into the site only unless otherwise agreed in writing with the Local Planning Authority

Reason:- In the interests of highway safety and to accord with Policy CF6 of the High Peak Local Plan.



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10. The premises, the subject of this application, shall not be taken into use until space has been provided within the site curtilage for staff and customer parking, picking up and setting down of passengers and manoeuvring of vehicles/turning of vans etc., to ensure vehicles shall enter and leave the highway in a forward gear, laid out and constructed in bound materials (not loose chippings), clearly marked out and maintained in permanent marking materials all as may be agreed in writing with the Local Planning Authority prior to commencement of development and shall be maintained thereafter free from any impediment to its designated use.

Reason:- In the interests of highway safety and to accord with Policy CF6 of the High Peak Local Plan.

11. Prior to the occupation of the development hereby approved adequate bin storage and a bin dwell area for use on refuse collection days shall be provided clear of the public highway, within the site curtilage clear of all access and parking and turning provision and retained thereafter free from impediment to designated use in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason:- In the interests of highway safety and to accord with Policy CF6 of the High Peak Local Plan.

12. a) No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the Local Planning Authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

b) No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition (a).

c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the





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archaeological Written Scheme of Investigation approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason:- To enable the recording of any matters of archaeological/built heritage interest as the site is in an area of heritage significance or an area of archaeological potential, in accordance with the provisions of Policy EQ7 of the High Peak Local Plan 2016 and Section 12 of the National Planning Policy Framework.

13. Noise arising from operations on the site shall not exceed the following when measured at any point on the boundary of the site:-

- a) Between 0700 hours and 1800 hours Mondays to Fridays and 0700 hours and 1300 hours on Saturdays, a maximum noise level of 58 dBLAeq for any 1 hour period.
- b) Between 1800 hours and 2200 hours Mondays to Fridays and 1300 hours and 2200 hours on Saturdays, a maximum noise level of 42 dBLAeq for any 1 hour period.
- c) At any other time, a maximum noise level of 35dBLAeq for any 5 minute period.

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

14. Before the development hereby permitted commences the applicant must either:

- a) Investigate the site for landfill gas to ascertain whether gas protection measures are required. A report of the findings shall be submitted to and approved in writing by the Local Planning Authority and where measures are required the details shall be submitted to, and approved in writing by the Local Planning Authority.
- Or;
- b) The applicant shall install gas protection measures as a precautionary measure without first investigating the site. The details of these measures shall be submitted to, and approved in writing by the Local Planning Authority prior to commencement of development.
- c) For a. and b. all required measures shall be installed before the development is first occupied.

Where monitoring at the site for the presence of ground/landfill gas and a subsequent risk assessment has been carried out in accordance with a scheme to be agreed in writing with the Local Planning Authority. The results of the monitoring shall be submitted to the Local Planning Authority for written approval as soon as they are available.

If the presence of ground/landfill gas is confirmed, or there is evidence that migration of ground/landfill gas is likely to occur, development shall not commence until satisfactory remedial measures have been taken to control and manage the gas and to monitor the effectiveness of these measures. All such measures shall be agreed in writing by the Local





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Planning Authority before development commences.

Reason:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks in accordance with Policies EQ6 and EQ10 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

15. No construction work at the site shall take place outside the following hours:-

- a) 0700 hours to 1900 hours Mondays to Fridays.
- b) 0800 hours to 1600 hours on Saturdays.
- c) At any time on Sundays or Public Holidays except by agreement with the Local Planning Authority.

Any equipment which needs to be operated outside the hours specified above shall be acoustically screened in accordance with a scheme to be agreed in writing with the Local Planning Authority prior to such equipment being brought into use.

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

16. If piling is necessary a written method statement shall be submitted to and approved in writing by the Local Planning Authority. This method statement shall be in line with Environment Agency guidance (Environment Agency (2001), Piling and Penetrative Ground Improvements on Land Affected by Land Contamination NC/99/73). The effects of noise generation (hours of operation) shall also be considered, and shall include noise mitigation measures consistent with best practical means. No piling shall take place other than in strict accordance with the approved method statement.

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

17. All inlet and extract ventilation systems shall be fitted with effective silencers in accordance with an acoustic specification to be submitted to and approved in writing by the Local Planning Authority. The approved silencers shall be installed prior to commencement of the use of the development.

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



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18. No development shall take place until a scheme of biodiversity enhancements, including provision of a 3-5 metre buffer along existing and new hedgerow habitats and provision of bird boxes and a timetable for implementation, has been submitted to and approved in writing by the Local Planning Authority. The buffer shall be maintained in perpetuity in accordance with details to be submitted for approval. The approved scheme of enhancements shall thereafter be carried out in full in accordance with the approved timetable.

Reason:- In order to protect and enhance biodiversity interests in accordance with Policy EQ5 of the High Peak Local Plan.

### **Summary of reasons for granting planning permission**

The Council has sought (negotiated) a sustainable form of development which complies with the provisions of paragraphs 186-187 of the NPPF.

### **Informatives**

1. Under Section 151 of the Highways Act 1980, the applicant must take all steps 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.

2. Under 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.

3. Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department of Economy Transport & Communities at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via email [ETENetmanadmin@derbyshire.gov.uk](mailto:ETENetmanadmin@derbyshire.gov.uk) or telephone Call Derbyshire on 01629 533190 or via the County Council's website;  
[http://www.derbyshire.gov.uk/transport\\_roads/roads\\_traffic/development\\_control/vehicular\\_access/default.asp](http://www.derbyshire.gov.uk/transport_roads/roads_traffic/development_control/vehicular_access/default.asp).

4. Under Section 50 (Schedule 3), New Roads and Street Works Act 1991, before any excavation works are commenced within the limits of the existing highway, at least 6 weeks prior notification shall be given to the County Highway Authority (contact the Streetworks Co-ordinator - tel.no. 01629 538516).







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5. Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

- Any approved noise scheme and measurements should pay due regard to British Standard BS8233: 2014 Sound insulation and noise reduction for buildings (Guidance Document), BS4142 Methods for rating and assessing industrial and commercial sound and the Building Regulations 2010 Document E or other appropriate guidance.

- Advice on controlling flies and light can be found in: Statutory Nuisance from Insects and Artificial Light (DEFRA 2005) available as a free download <http://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/statnuisance.pdf>

- A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition of the existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements: <http://www.hse.gov.uk/>

- During any demolition and construction activities (including landscaping) the contractor shall take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.

- The control of dust and emissions from construction and demolition Best Practice Guidance, produced by the greater London councils <http://www.london.gov.uk/sites/default/files/BPGcontrolofdustandemissions.pdf>

- Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456)

- If required, contamination risk assessments shall be carried out in accordance with UK policy and with the procedural guidance relating to the contaminated land regime, and should be in accordance with Planning Policy Statement 23 and the CLR Report Series 1-12.

- Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.

- The Local Planning Authority will determine the acceptability of reports on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post development, where the applicant had prior knowledge of the contamination, the applicant is likely to be liable under Part II (a) of the Environmental Protection Act 1990 and as such become an "appropriate person". In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.

- Equally if during any site works a pathway for any contaminant on site is





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created and humans, waters, property or ecological systems are exposed to this, the applicant or those acting on behalf of the applicant will be liable under part II (a) of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.

- During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public property and the environment are protected against noise, dust, odour and fumes

- The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of in an appropriately licensed landfill site.

- High Peak Borough Council is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is forwarded to the Environmental Protection Department and agreed in principle prior to site investigation works being undertaken. The Environmental Protection Department is also prepared to review draft copies of reports prior to final submission to the Planning Department in order to ensure that works undertaken are sufficient to discharge the contaminated land conditions.

X *B.J. Haywood*

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Signed by: Ben Haywood

**On behalf of High Peak Borough Council**



## **NOTES**

1. Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting 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](http://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.