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Application no: HPK/2017/0220

Determined on: 30th January 2018

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

GRANT OF OUTLINE PLANNING PERMISSION

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 Tann Uk Ltd Shaw Lane Dinting Glossop Derbyshire

Description of Development:

Outline application with all matters reserved for a fast food outlet (A3-A5)

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

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters.

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

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and thereafter the development shall only be carried out in accordance with the details as approved.





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

3. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced and thereafter the development shall only be carried out in accordance with the details as approved.

Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and Articles 4 and 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

4. The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg Nos. Site Location 01.

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

5. Before any other operations are commenced, space shall be provided within the site for storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, parking and manoeuvring of employees and visitors vehicles, laid out and constructed in accordance with detailed designs first submitted to and approved in writing by the Local Planning Authority. Once implemented the facilities shall be retained free from any impediment to their designated use throughout the construction period.

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

6. The development hereby permitted shall not be commenced until details of off street parking and manoeuvring areas to serve both the existing and proposed premises served via the existing access with Shaw Lane have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the development hereby permitted being brought into use and shall thereafter be retained for use at all times.

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

7. No part of the development hereby permitted shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the facilities retained for the designated purposes at all times thereafter.

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



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8. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) from Argyll environmental (Ref Ref AEL-4491-FRA-923382 dated 6 December 2017) and the following mitigation measures detailed within the FRA:

1. The fast food outlet level is set at least at 124.02 mAOD.
2. Provision of compensatory flood storage as per drawings 84517-03A Existing and Proposed levels, 84517-04 1 of 3 cross sections, 84517-04 2 of 3 cross sections and 84517-04 3 of 3 cross sections.
3. Identification and provision of safe routes into and out of the site to an appropriate safe haven.
4. The preparation of an emergency evacuation plan, including the registration with Floodline to receive a Flood Warning.

Reason:- To reduce the impact of flooding on the proposed development and future occupants. To ensure safe access and egress from and to the site.

9. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

10. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

11. Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 3 of this condition have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until part 4 of this condition has been complied with in relation to that contamination.

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



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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) 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 prior to the first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority. The 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 part 1 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 2 of this condition. Following completion of measures identified in the approved remediation scheme a verification report must be prepared in accordance with part 3 of this condition.

Reason - 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



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National Planning Policy Framework.

12. Prior to the first use or occupation of the development hereby permitted, a noise survey shall be undertaken by a competent person to determine background noise levels at the site boundary. The survey shall be submitted to and approved in writing by the Local Planning Authority. Noise emitted from the site thereafter shall not exceed a rated value in excess of 5db(A) above the background level determined in the approved survey, when measured at any noise sensitive property. Measurements shall be made in accordance with the current version of British Standard 4142.

Reason - To ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected in accordance with Policy EQ6 of the High Peak Local Plan and paragraph 17 of the National Planning Policy Framework.

13. No discharges to the atmosphere of any gaseous or particulate matter shall take place, arising from the operation of any process or plant, unless in accordance with a scheme of atmospheric pollution control measures which has first been submitted to and approved in writing by the Planning Authority. The approved scheme shall be implemented before the use hereby permitted commences.

Reason - To ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected in accordance with Policy EQ6 of the High Peak Local Plan and paragraph 17 of the National Planning Policy Framework.

14. Unless prior permission has been obtained in writing from the Local Planning Authority, all noise-generating activities shall be restricted to the following times of operations.

- 08:00 - 18:00 hours (Monday to Friday);
- 08:00 - 13:00 hours (Saturday)
- No working is permitted on Sundays or Bank Holidays.

In this condition, a noise-generating 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.

Reason - To ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected in accordance with Policy EQ6 of the High Peak Local Plan and paragraph 17 of the National Planning Policy Framework.

15. There shall be no visible dust emissions beyond the site boundary associated with construction/demolition works undertaken at the site.

Reason - To ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected in accordance with Policy EQ6 of the High Peak Local Plan and paragraph 17 of the National Planning Policy Framework.



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16. Prior to demolition of the existing building/s on the site an asbestos survey and risk assessment shall be undertaken and the results and recommendations submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the recommendations of the approved survey.

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.

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. The responsibility for the repair and condition of Glossop brook, which is designated a “main river”, its channel, banks and adjacent structures, lies ultimately with the riparian owner.

2. Car parking provision should be made on the basis of 1 no. parking space per 4 square metres gross floor area of customer dining/waiting area. Each parking bay should be measure 2.4m x 5.5m (larger in the case of spaces for disabled drivers) with adequate space behind each space for manoeuvring.

3. 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



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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 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.



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X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council

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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 do so within 12 weeks of the date of this notice. All other types of development



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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 www.planningportal.gov.uk/pcs. 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.