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Application no: HPK/2017/0679

Determined on: 26th March 2018

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

OUTLINE 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:

Hogs Yard Land South of Tesco Buxton Road Whaley Bridge Derbyshire

Description of Development:

Variation of Condition 23 relating to HPK/2004/0590

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. No development shall take place except in complete accordance with the following plans approved under reserved matters approval HPK/2013/0268
 - 0896-01
 - Location Plan
 - Landscape Proposals - April 2008
 - 3435-S-100 - Rev B (Site Layout)
 - 3435-S-102 - Rev A (Sections)
 - 3435-S-102 - Rev B (Sections & addit info)
 - 3435- S 101 Rev B (Plans & Elevations)Reason: For the avoidance of doubt.
2. Before any other operations are commenced, a new vehicular access shall be formed to the Hogs Yard access road, generally in accordance with the amended application drawings submitted with application HPK/2004/0590, located, designed, laid out, constructed and provided with 4.5m x 50m visibility splays, the area in advance of the sightlines being maintained clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level





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Reason: In the interests of highway safety and to comply with Policies EQ6 and CF6 of the High Peak Local Plan 2016

3. Before any other operations are commenced, space shall be provided within the application site for the access, loading, unloading and turning of construction vehicles, storage of plant and materials; site accommodation and parking and turning of site operatives and visitors vehicles, located, designed, laid out and constructed and maintained free from any impediment to its designated use throughout the contract period.

Reason: In the interests of highway safety and to comply with Policies EQ6 and CF6 of the High Peak Local Plan 2016

4. Before any other operations are commenced, excluding groundworks, the initial 80m of the site access road shall be laid out, and constructed to at least base course level in accordance with the detailed scheme agreed with the Local Planning Authority pursuant to condition 5 of planning permission HPK/2004/0590

Reason: In the interests of highway safety and to comply with Policies EQ6 and CF6 of the High Peak Local Plan 2016

5. The premises, the subject of the application, shall not be taken into use until a Travel Plan has been prepared and agreed in writing with the Local Planning Authority and the agreed plan shall be operated throughout the life of the development.

Reason: To ensure that the development is sustainable and accessible by means other than the private car in accordance with Policy CF6 of the High Peak Local Plan 2016

6. The premises, the subject of the application, shall not be taken into use until space has been provided within the site curtilage, generally in accordance with the amended application drawings submitted with application HPK/2004/0590, for the parking, loading, unloading and turning of employees and visitors vehicles (including goods vehicles), designed, laid out and constructed and maintained throughout the life of the development free from any impediment to its designated use

Reason: In the interests of highway safety and to comply with Policies EQ6 and CF6 of the High Peak Local Plan 2016

7. The premises, the subject of the application shall not be first taken into use until a direct means of pedestrian access has been created between the application site and the canal towpath in a manner to be agreed in writing with the Local Planning Authority.



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Reason: To ensure that the development is sustainable and accessible by means other than the private car in accordance with Policy CF6 of the High Peak Local Plan 2016

8. The premises, the subject of the application, shall not be first taken into use until the proposed access road has been surfaced, drained and lit in a manner to be agreed in writing with the Local Planning Authority and it shall thereafter be maintained in good condition for the lifetime of the development.

Reason: In the interests of highway safety and to comply with Policy EQ6 of the High Peak Local Plan 2016

9. The minimum floor level of Unit A shall be 156.05m AOD and the minimum floor level of Unit B shall be 156.76m AOD

Reason: In the interests of flood prevention and to comply with Policy EQ11 of the High Peak Local Plan 2016

10. If any unexpected visibly contaminated or odorous material is encountered during redevelopment (given any previous desk study, site investigation and/or remediation work) remediation proposals for the material shall be agreed in writing with the Local Planning Authority. Development shall thereafter proceed in accordance with the approved measures which shall be completed prior to the first occupation of the development.

Reason: In the interests of public health and safety and to comply with Policy EQ10 of the High Peak Local Plan 2016

11. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings serving offices, food and drink and assembly and leisure uses shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: In the interests of pollution prevention and to comply with Policy EQ10 of the High Peak Local Plan 2016

12. Noise arising from operations on the site shall not exceed the following when measured at any point on the boundary of the site.
 - i. Between 0700 hours and 22.00 hours a maximum noise level of 55 dBLAeq in any one period, and
 - ii. Between 23.00 hours and 07.00 hours the following day a maximum noise level of 40 dB LAeq in any one hour period. ·

The premises shall not be open for business outside the hours of 09.00 hours and 22.00 hours on any day.



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Reason: In the interests of amenity and to comply with Policy EQ6 of the High Peak Local Plan 2016

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

Reason: In the interests of amenity and to comply with Policy EQ6 of the High Peak Local Plan 2016

14. No loading or unloading of vehicles shall take place outside the hours of 09.00 hours and 22.00 hours on weekdays and Saturdays, or at any time on Sundays and Public Holidays.

Reason: In the interests of amenity and to comply with Policy EQ6 of the High Peak Local Plan 2016

15. No discharges to atmosphere of any gaseous or particulate matter shall take place until full details of siting and design of an odour control and ventilation system to cooking equipment to be installed has been submitted to and approved in writing by the Local Planning Authority and such control equipment and ventilation, as approved, has been installed and is operating correctly. The equipment shall thereafter be maintained.

Reason: In the interests of amenity and to comply with Policy EQ6 of the High Peak Local Plan 2016

16. The height of the flue serving cooking equipment shall be approved in writing by the Local Planning Authority prior to installation. The approved flue shall be installed prior to commencement of the use and maintained thereafter.

Reason: In the interests of amenity and to comply with Policy EQ6 of the High Peak Local Plan 2016

17. The extraction system serving cooking equipment shall incorporate anti-vibration mounts and flexible couplings to prevent structure borne noise to adjoining occupiers.

Reason: In the interests of amenity and to comply with Policy EQ6 of the High Peak Local Plan 2016

18. All refrigeration plant shall be acoustically treated in accordance with a scheme to be agreed in writing with the Local Planning Authority prior to installation. The approved scheme shall thereafter be maintained.

Reason: In the interests of amenity and to comply with Policy EQ6 of the High



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19. Before any further development is commenced an ecological assessment of the site shall be carried out. The results and any proposed mitigation shall be submitted to and agreed in writing by the Local Planning Authority. Any remedial works which are approved shall be carried out in accordance with an agreed written timetable unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of ecology and to comply with Policy EQ5 of the High Peak Local Plan 2016

20. The materials to be used in the development hereby permitted shall be in accordance with those approved pursuant to condition 3 of reserved matters approval HPK/2013/0268 unless the local planning authority gives written consent to any variation.

Reason : In the interests of visual amenity and to comply with policy EQ6 of the High Peak Local Plan 2016

21. All hard and soft landscaping works shall be carried out in accordance with the approved details pursuant to reserved matters approval HPK/2013/0268. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme to be agreed with the Local Planning Authority.

Reason : In the interests of visual amenity and to comply with policy EQ6 of the High Peak Local Plan 2016

22. The approved building(s) shall not be occupied until all areas of hardstanding including car parks, driveways, footways, turning facilities and service areas/yards as indicated on the approved plan(s) have been laid out, drained, surfaced and marked out with white lining, or similar (if applicable) in accordance with the details which have previously been submitted to and approved in writing by the Local Planning Authority pursuant to condition 5 of reserved matters approval HPK/2013/0268. The areas shall then be retained at all times thereafter for their intended use.

Reason : In the interests of highway safety and to comply with policy EQ6 of the High Peak Local Plan 2016

23. Notwithstanding the conditions attached to the Reserved Matters Approval no part of the development shall be occupied until the amount of floor space to be used for offices (B1) food and drink (A3), retail (A1), and leisure and assembly (D2) has been submitted to and approved in writing by the Local Planning Authority. No development shall take place except in complete accordance with the approved details.

Reason: To protect the vitality and viability of the Town Centre in accordance with





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Policy CF1 of the High Peak Local Plan 2016

24. Notwithstanding the conditions attached to the Reserved Matters Approval, the A1 retail floorspace hereby permitted shall not exceed 684m² and shall be used for retail of comparison goods only and no part of the development shall be used for the sale of convenience goods.

Reason: To protect the vitality and viability of the Town Centre in accordance with Policy CF1 of the High Peak Local Plan 2016

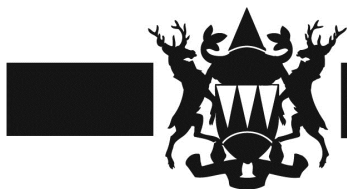
Informative

1. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

X 

Signed by: Jane Colley

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.