

Mr Matthew Hurst  
High Peak Architects Limited  
Wharf Road  
Whaley Bridge  
High Peak  
SK23 7AD



**High Peak Borough Council**  
*working for our community*

Mr Matthew Hurst  
High Peak Architects Limited  
Wharf Road  
Whaley Bridge  
High Peak  
SK23 7AD

Tunstead Developments Ltd  
Higher Birches Manchester Road  
Tunstead Milton  
SK23 7ES

Application no: HPK/2022/0468

Determined on: 23<sup>rd</sup> April 2023

**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:**

Gas Works Site Horwich End New Road Whaley Bridge Derbyshire SK23 7JZ

**Description of Development:**

New commercial development comprising two new buildings and associated car parking.

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 and documentation: PL01; PL03; PL04; PL05A; PL06; Flood Risk Assessment (Rev B) prepared by Flo Consulting Engineers dated January 2022

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

3. No development above foundation level shall take place until such time as a detailed schedule of all facing materials has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the





approved details

Reason:- In the interests of achieving high quality design in accordance with Local Plan Policy EQ6 and relevant paragraphs under Chapter 12 of the NPPF

4. Prior to the development hereby approved first coming into use, a hard and soft landscaping scheme including a planting schedule shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason:- In the interests of achieving high quality design in accordance with Local Plan Policy EQ6 and relevant paragraphs under Chapter 12 of the NPPF

5. The use of the units hereby approved shall be strictly limited to those which fall under Class E(g) of the Town and Country Planning (Use Classes) Order 2021, which for the avoidance of doubt, amounts to (i) an office to carry out any operational or administrative function (ii) the research and development of products or processes, or (iii) an industrial process that can be carried out in this residential area without being detrimental to the amenity of that area, by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. The units shall be used for no other purpose, including one calling within other Paragraphs of Class E

Reason:- In the interests of preserving public and residential amenity in accordance with Local Plan Policies EQ6 and EQ10, and relevant paragraphs under Chapters 12 and 15 of the NPPF

6. The development hereby approved shall be carried out in strict accordance with the mitigation measures contained within the approved Flood Risk Assessment Rev B, prepared by Flo Engineering Consulting (dated January 2022).

Reason:- In the interests of ensuring that there are no adverse impacts relating to flood risk in accordance with Local Plan Policy EQ11 and relevant paragraphs under Chapter 14 of the NPPF.

7. Unless otherwise agreed 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 and 2 of this condition have been complied with.

#### 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 scheme shall be agreed in writing by the Local Planning





Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be submitted to and approved in writing by 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 submitted to and approved in writing by 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, unless otherwise agreed in writing by the Local Planning Authority prior to the first occupation of the development. 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 submitted to and approved in writing by 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



## High Peak Borough Council

*working for our community*

risks in accordance with Policies EQ6 and EQ10 of the High Peak Local Plan 2016 and the National Planning Policy Framework

8. In the event that any piling is necessary, a written piling options assessment shall be submitted to the Local Planning Authority and approved in writing, to demonstrate noise and vibration mitigation measures consistent with best practical means, prior to the commencement of any such piling works. The assessment shall consider Environment Agency guidance (Environment Agency (2001), Piling and Penetrative Ground Improvements on Land Affected by Land Contamination NC/99/73) where land contamination is suspected or proven. No piling shall take place until the piling options assessment has been approved and piling shall only take place in accordance with the approved assessment. .

Reason:- In the interest of public amenity in accordance with Local Plan Policy EQ10 and relevant paragraphs contained under Chapter 15 of the NPPF

9. No piling shall take place outside the hours 09:00 hours to 16:00 hours Mondays to Fridays.

Reason:- In the interest of public amenity in accordance with Local Plan Policy EQ10 and relevant paragraphs contained under Chapter 15 of the NPPF

10. The hours of operation during the construction phase of the development shall take place strictly within the following times:
- 07:30 – 18:00 Monday-Friday
  - 08:30 – 14:00 Saturdays
  - No working on Sundays or Bank Holidays

Reason:- In the interest of public and residential amenity in accordance with Local Plan Policies EQ6 and EQ10 and relevant paragraphs contained under Chapter 15 of the NPPF

11. The industrial units shall operate strictly within the following times:
- 07:30 – 18:00 Monday-Friday
  - 08:30 – 14:00 Saturdays
  - No working on Sundays or Bank Holidays

Reason:- In the interest of public and residential amenity in accordance with Local Plan Policies EQ6 and EQ10 and relevant paragraphs contained under Chapter 15 of the NPPF

12. Prior to the use of any unit that involves any discharge or gas to the atmosphere from any operation of any process or fixed plant, a scheme that details atmospheric pollution control measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be operated out in accordance with the approved scheme.

Reason:- In the interest of public and residential amenity in accordance with Local Plan





Policies EQ6 and EQ10 and relevant paragraphs contained under Chapter 15 of the NPPF

13. The maximum rated noise level emitted from the site shall not exceed the following levels when measured at the boundary of any residential premises.

- a) 50 dB LAeq (1 hr) (freefield) for any period of one hour between 07:00 and 23:00
- b) 45 dB LAeq (5 mins) (freefield) for any period of 5 minutes between 23:00 to 07:00

All measurements shall be made in accordance with the methodology of BS 4142:2014+A1:2019 "Methods for rating and assessing industrial and commercial sound" and/or its subsequent amendments. Where access to the nearby sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the sound sensitive property.

Reason:- In the interest of public and residential amenity in accordance with Local Plan Policies EQ6 and EQ10 and relevant paragraphs contained under Chapter 15 of the NPPF

14. No development shall commence until (i) a scheme of site investigation has been carried out to establish the risks posed to the development by past coal mining activity, and (ii) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance

Reason:- To enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site, in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the NPPF.

15. Prior to the development hereby approved first being brought into use, a signed statement or declaration prepared by a suitably competent qualified person confirming that the site is, or has been made, safe and stable for the approved development, shall be submitted to the Local Planning Authority and approved in writing. The document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason:- To enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site, in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the NPPF.

16. No drainage systems for the infiltration of surface water to the ground are permitted unless otherwise agreed in writing by the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.





Reason:- To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 174 of the National Planning Policy Framework

17. Piling/ground source heating and cooling systems using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason:- To ensure that the proposed development, does not harm groundwater resources in line with paragraph 174 of the National Planning Policy Framework.

18. No development shall commence until a sustainable surface water drainage scheme and a foul water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include the following:

- An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365
- A restricted rate of discharge of surface water agreed with the Local Planning Authority (if it is agreed that infiltration is discounted by the investigations)
- Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD
- Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- Foul and surface water shall drain on separate systems

The approved schemes shall be prepared in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to the development hereby approved first coming into use, the drainage schemes shall be completed in accordance with the detailed approved and shall thereafter for the lifetime of the development

Reason:- To ensure proper drainage and to manage the risk of flooding and pollution in accordance with Local Plan Policy EQ11 and relevant paragraphs under Chapter 14 of the NPPF

19. Prior to the development hereby approved first coming into use, a sustainable drainage management and maintenance plan that will be in place for the lifetime of the development shall be submitted to and agreed in writing by the Local Planning





## High Peak Borough Council

*working for our community*

Authority. The sustainable drainage management and maintenance plan shall include as a minimum:

- Arrangements for adoption by an appropriate public body or statutory undertaken, or, management and maintenance by a resident's management company, and
- Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime

The development shall be completed and managed in accordance with the details plan as approved.

Reason:- To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development

20. Prior to the development first coming in to use, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include the following:

- Agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery
- A programme for the delivery of any proposed physical works
- Effective measures for the on-going monitoring and review of the Travel Plan
- A commitment to delivering the Travel Plan objectives for a period of at least 5 years from first occupation of the development
- Effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development

The development shall be carried out and operated in full accordance with the approved Travel Plan, with those parts that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein, and must continue to be implemented as long as any part of the development is occupied.

Reason:- In the interests of highway safety in accordance with Local Plan Policy CF6 and paragraph 110 of the NPPF.

21. No development shall commence until a Construction/Demolition Management Plan and accompanying Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Plan and Statement shall be strictly adhered to at all times throughout the construction phase of development. The Plan and supporting Statement shall provide for the following:

- Parking of vehicles for site operatives and visitors
- Storage of plant and materials and site accommodation
- Method of construction of buildings on site





## High Peak Borough Council

*working for our community*

- Routes for all construction traffic
- Method of prevention of mud/debris being carried on to the public highway
- Proposed temporary traffic management/restrictions
- Arrangements for loading/unloading and turning vehicles within the site

Reason:- In the interests of highway safety in accordance with Local Plan Policy CF6 and paragraph 110 of the NPPF.

22. Prior to the development hereby approved first coming into use, an operational Heavy Goods Vehicle (HGV) Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Plan shall make provision for the following:

- Appropriate signs erected advising drivers of the vehicle route
  - Monitoring of the approved arrangements during the life of the site
  - Ensuring that all drivers of vehicles under the control of the applicant are made aware of all approved arrangements
  - The disciplinary steps that will be exercised in the event of a default
- The development shall be operated in accordance with the approved plan.

Reason:- In the interests of highway safety in accordance with Local Plan Policy CF6 and paragraph 110 of the NPPF

23. Notwithstanding the Proposed Site Plan (Ref: PL06) hereby approved, no development above foundation level shall commence until such time as a revised Proposed Site Plan with an alternative parking layout has been submitted to and agreed in writing by the Local Planning Authority. The approved parking layout shall be provided on site prior to the first occupation of the development and shall thereafter be maintained free from obstruction to its designated use.

Reason:- In the interests of highway safety in accordance with Local Plan Policy CF6 and paragraph 110 of the NPPF

### **Informatives**

1. The Local Planning Authority have where necessary worked in a positive and proactive manner with the applicant to address and overcome all outstanding planning issues in order to secure a sustainable form of development as required by the National Planning Policy Framework.
2. Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary 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 still 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 the satisfactory level of cleanliness
3. Any affected Public Right of Way (PROW) on the Derbyshire Definitive Map must remain unobstructed on its legal alignment at all times and the safety of the public





using them must not be prejudiced either during or after development works take place. Further advice can be obtained by calling 08456 058058 and asking for the Rights of Way Duty Officer. Please note that the granting of planning permission is not consent to divert or obstruct a public right of way. If it is necessary to temporarily obstruct a right of way to undertake development works then a temporary closure is obtainable from the County Council. Please contact 08456 058058 for further information and an application form.

3. Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: [www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property)
4. The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has ceased to be waste. Under the Code of Practice:
  - excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
  - treated materials can be transferred between sites as part of a hub and cluster project
  - some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- the position statement on the Definition of Waste: Development Industry Code of Practice
- The waste management page on GOV.UK

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011





**High Peak Borough Council**  
*working for our community*

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

X *B.J. Haywood*

---

Signed by: Ben Haywood

**On behalf of High Peak Borough Council**





# High Peak Borough Council

*working for our community*

## NOTES

1. Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting DBCP Limited, Web: [dbcp.co.uk](http://dbcp.co.uk); Email: [info@dbcp.co.uk](mailto:info@dbcp.co.uk) ; Tel: 0333 880 2000.
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 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.