



High Peak Borough Council
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Mr P Garner
Garner Town Planning Ltd
24A Market Street
Disley
Cheshire
SK12 2AA

Mr P Rowbottom
Environ Ltd
Unit 4 Watford Bridge Industrial Estate
New Mills
Derbyshire
SK22 4HJ

Application no: HPK/2023/0057

Determined on: 28/07/2023

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:

Unit 9, Watford Bridge Industrial Estate, Watford Bridge Road, New Mills, Derbyshire, SK22 4HJ

Description of Development:

Erection of five employment units (Use Class E/B2) with associated parking and servicing bays

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

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

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

2. The development hereby approved shall be carried out in complete accordance with the submitted plans and specifications as follows:-





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Location Plan
2087/2 – Proposed Elevations
2087/3 – Proposed Floor Plan
2087/1/A – Proposed Site Plan

Reason:- To ensure that the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.

3. Prior to any development above slab level, full details of the proposed facing materials, including colour finish, shall be submitted to the Local Planning Authority and approved in writing. The development shall be carried out in strict accordance with the approved details and thereafter retained.

Reason:- In the interest of the character and appearance of the area.

4. Prior to any development above slab level, full details of the extent of, and materials of the proposed hardstanding areas, shall be submitted to the Local Planning Authority and approved in writing. The development shall be carried out in strict accordance with the approved details, prior to first occupation, and thereafter retained.

Reason:- In the interest of the character and appearance of the area.

5. Prior to any development above slab level, full details of the position, design and height of all boundary treatments, including colour finish, shall be submitted to the Local Planning Authority and approved in writing. The development shall be carried out in strict accordance with the approved details, prior to first occupation, and thereafter retained.

Reason:- In the interest of the character and appearance of the area and to ensure access to the River Sett, by the Environment Agency, is not compromised.

6. Prior to first occupation of the development hereby approved, full details of the position, design and appearance of any ancillary structures (including bicycle storage), shall be submitted to the Local Planning Authority and approved in writing. The development shall be carried out in strict accordance with the approved details, prior to first occupation, and thereafter retained.

Reason:- In the interest of the character and appearance of the area and to ensure that access to the River Sett, by the Environment Agency, is not compromised.

7. No development shall take place, with the exception of any works necessary for site investigation and remediation, until conditions 7A to 7B 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 condition 7D has been complied with in relation to that contamination.

A) An investigation and risk assessment, in addition to any assessment provided with





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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 are to be submitted to and approved 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 produced. The written report is to be submitted to and approved in writing by 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 "Land Contamination Risk Management" (LCRM) guidance.

- B) 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.
- C) The approved remediation scheme must be carried out in accordance with its terms prior to the first occupation of the development other than that required to carry out remediation, 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 submitted to and approved in writing by the Local Planning Authority.

- D) 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 condition 1a, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 1b. Following completion of





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measures identified in the approved remediation scheme a verification report must be prepared, in accordance with condition 7C.

Reason: The proposed development is on land identified as potentially contaminated due to previous industrial use, the condition is necessary for this reason and to protect the health of the public and the wider environment.

8. Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment. There shall be no fires lit on the site for purpose of disposing of demolition materials. Any open fires that arise shall be extinguished without delay.

Reason: In the interests of protecting the living conditions of nearby residential properties.

9. During demolition and construction, all noise generating activities shall be restricted to the following times of operations:
 - 07:30 - 18:00 hours (Monday to Friday);
 - 08:30 - 14:00 hours (Saturday); and,
 - 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: In the interests of protecting the living conditions of nearby residential properties.

10. No discharges to 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 have first been first approved in writing by the Planning Authority.

Reason: In the interests of protecting the living conditions of nearby residential properties.

11. The development hereby approved shall be carried out in strict accordance with the recommendations set out in section 10 of the Arboricultural Statement, prepared by Cheshire Woodlands (Ref: CW/10974-AS, dated 18th January 2023). All tree protection measures detailed in the Arboricultural Statement shall be provided prior to any ground works commencing, and shall be retained throughout construction.

Reason: In the interest of protecting visually important trees adjacent to the site.

12. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Surface Water Drainage Design Drawing Drainage strategy plan, Rev P2 - Dated 19.10.2022 which was prepared by PG. No





surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

13. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by the site owner or management company; and
- b. 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 subsequently be completed, maintained and managed in accordance with the approved plan.

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.

14. The parking, loading/offloading and manoeuvring areas, as detailed on the approved plan (Ref: 2087/1/A) shall be provided and made available prior to first use of the development hereby approved. The areas shall thereafter be retained and be available for such purposes, at all times, for the lifetime of the development.

Reason: To ensure that the site is appropriately served, in the interest of vehicular and pedestrian safety.

15. The use of the development hereby permitted shall be strictly for employment uses falling within Use Classes B2, E(g)(ii), and E(g)(iii) of The Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: Other permitted changes of use may not be appropriate in this location.

Informative(s)

1. In accordance with paragraph 38 of the NPPF (2021) the Council approach decision-taking in a positive way by taking a proactive approach to development proposals. In this instance the application proposals were acceptable following amendment and the scheme has been approved without delay.



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2. The best practicable means, as defined in Section 72 of the Control of Pollution Act 1974 to reduce noise and vibration from the site to a minimum, shall be employed at all times during construction.
3. The applicant/developers attention is drawn to the advisories contained within the United utilities consultation response, dated 6th June 2023, with regard to United Utilities Property, Assets and Infrastructure, and their Water and Wastewater services.
4. This development may require a permit under the Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the bank of the River Sett which, is designated a 'main river'. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: Flood risk activities: environmental permits - GOV.UK (www.gov.uk).
5. The applicant/developers attention is drawn to the comments contained within the Environment Agency comments, dated 18th May 2023, with regard to development in proximity to Environ Ltd.

X *B.J. Haywood*

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 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.

