



High Peak Borough Council

working for our community

Amy Hubble
High Peak Architects Limited
Wharf Road
Whaley Bridge
High Peak
SK23 7AD

Mr Bevan
Higher Birches
Tunstead Milton
SK23

Application no: DET/2023/0013

Determined on: 23rd August 2023

TOWN AND COUNTRY PLANNING ACT 1990 TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015

PRIOR APPROVAL REQUIRED AND APPROVED

High Peak Borough Council hereby **APPROVE** this application for **DETERMINATION** for

Conversion of vacant shop premises to 3 flats at No.1 Chapel Road Whaley Bridge

in accordance with the submitted application, details and accompanying plans listed as follows: 1877.PL01, PL02, PL03, PL04; and for the following reasons:-

1. The proposed change of use has been found to comply in full with Schedule 2, Part 3, Class MA, Paragraph MA.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended and thus constitutes permitted development, subject to matters of Prior Approval set out under Paragraph MA.2.

The Approval is subject to the following conditions:

1. Prior to the first occupation of any residential unit, and notwithstanding the plans hereby approved, full joinery details which includes the design, material, colour and openings of all windows and doors, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:- In the interests of preserving the character and appearance of the existing building and the character and appearance of the wider conservation area in line with relevant paragraphs contained under Chapter 16 of the NPPF





2. Prior to the first occupation of any residential unit, a scheme of sound insulation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the following internal noise measurements are met for the lifetime of the development:
- (a) an internal noise level for habitable rooms during the day (07:00 – 23:00) of 35dB(a)LAeq, 16hrs
 - (b) an internal noise level for bedrooms during the night (23:00 – 07:00) of 30dB(A)LAeq, 8hrs and 45dB(A)LAm_{ax}

The scheme shall be based on an assessment made in accordance with the current version of British Standard 4142 and other relevant guidance and standards (for example ProPG) and confirmation of the findings of the assessment shall have been submitted to and agreed in writing by the Local Planning Authority. Where internal noise levels can only be achieved with windows shut or other adequate means of ventilation shall be provided, and shall also ensure thermal comfort, this shall be detailed within the submitted assessment.

The approved scheme shall be implemented and completed in full before the building is first occupied and shall be retained at all times thereafter.

Reason:- In the interests of providing a satisfactory level of amenity for future occupiers with regards to noise in line with Paragraph 185 of the NPPF.

3. If during development any contamination or evidence of likely contamination is identified that has not previously been identified or considered, then the applicant shall submit to the Local Planning Authority for written approval a written scheme to identify and control that contamination. This shall include a phased risk assessment carried out in accordance with the procedural guidance of the Environmental Protection Act 1990 Part IIA, and appropriate remediation proposals. The approved remediation scheme shall be implemented to the satisfaction of the Local Planning Authority.

Reason:- In the interests of public amenity with regards to land contamination in line with Paragraph 183 of the NPPF.

4. The lower ground floor of the building to which this consent relates shall be used only for purposes ancillary to the residential use of the upper ground floor.



High Peak Borough Council

working for our community

Reason:- In the interests of residential amenity and to comply with the provisions of Schedule 2, Part 3, Class MA, Paragraph MA.2 (6) of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

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 DBCP Limited, Web: dbcp.co.uk; Email: info@dbcp.co.uk ; Tel: 0333 880 2000.
1. 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.
2. 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. An application will need to be made to discharge conditions and a fee is payable with the application. For more details please refer to our web site: www.highpeak.gov.uk 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.
3. 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.
4. 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.
5. 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.
6. 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.



High Peak Borough Council

working for our community

7. If this is a decision to refuse planning permission for a minor commercial 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.
8. If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
9. If you want to appeal against your local planning authority's decision for any other type of development, including listed building consents then you must do so within 6 months of the date of this notice. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>
10. The Secretary of State can allow a longer period for giving notice of an appeal, but 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 the Secretary of State 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.
11. 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.

