

Mrs Caroline Payne
Emery Planning Partnership
2-4 South Park Court,
Hobson Street,
Macclesfield,
Cheshire,
SK11 8BS



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Mr Richard Archer
CE Mineral Ltd
c/o Agent

Application no: HPK/2023/0284

Determined on: 14th December 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:

Land at Hazelcroft Garage, Tom Thorn, Fairfield, Buxton, Derbyshire, SK17 7HP

Description of Development:

Retention of use of land as mixed (B2) general industrial and (B8) storage and distribution, retention of building, silos and associated equipment

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 approved shall be retained in accordance with the following submitted plans and subject to the following conditions and/or modifications: -

Proposed Elevations, Layout and Location Plan - Drawing Number CEMi /PP/01/001 1:100@A1

Site Layout Plan & Elevation, Drawing Number CEMi /PP/01/002 Rev A 1:100@A1

Block Plan, Drawing Number CEMi /PP/01/003 1:500@A2

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

2. The retrospective development hereby permitted is constructed of those materials as outlined within the application form and approved plans.





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Reason: - For clarification and to ensure that the external appearance of the development is satisfactory and to comply with policy EQ6 of the of the High Peak Local Plan (2016) and the NPPF (2021).

3. The building is a modular building and associated equipment which do not have foundations and are simply bolted to the ground. The equipment, silos and modular building shall be removed from site when the use ceases, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: - To ensure that the external appearance of the development is satisfactory and to comply with policy EQ6 of the of the High Peak Local Plan (2016) and the NPPF (2021).

4. Loading and unloading of materials and stock within the site shall take place only between the hours of 07:00 and 18:00 on Mondays to Fridays only.

Reason: - To ensure that the noise impact of deliveries and vehicle movements associated with the B2 activities within the site is minimised and that the development achieves a high standard of amenity for neighbouring occupiers, in accordance with Policy EQ6 of the of the High Peak Local Plan (2016) and the NPPF (2021).

5. Sound levels from the B2 and B8 uses hereby permitted, including loading and unloading of materials and stock, shall not exceed a level of 55dB LAR,1hr when measured or calculated one metre from the boundary of any residential receptor in accordance with BS4142.

Reason: - To ensure that the noise impact of deliveries and vehicle movements associated with the B2 activities within the site is minimised and that the development achieves a high standard of amenity for neighbouring occupiers, in accordance with Policy EQ6 of the of the High Peak Local Plan (2016) and the NPPF (2021).

6. Within 6 months of the date of this consent there shall have been submitted to and approved in writing by the Local Planning Authority a scheme of boundary landscaping for the site indicating inter alia the positions of all existing trees and hedgerows within and around the site, indications of any to be retained together with measures for their protection during the course of development, also the number, species, heights on planting and positions of all additional trees, shrubs and bushes to be planted.

Reason: In the interests of visual amenity and to comply with Policy EQ6 of the of the High Peak Local Plan (2016) and the NPPF (2021).

7. All planting, comprised in the approved details of landscaping shall be carried out in the first planting seasons following approval; 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 visual amenity and to comply with Policy EQ6 of the of the High Peak Local Plan (2016) and the NPPF (2021).





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Informative

1. This is considered to be a sustainable form of development and so complies with the provisions of High Peak Local Plan (2016) and the NPPF (2021).
2. Severn Trent Water (STW) advise that statutory sewer records show that they have assets within close proximity to the site or its boundary, the landowner is advised to email STW on building.over@severntrent.co.uk so that they can discuss the proposed works.
3. There shall be no visible dust emissions beyond the application site edged red associated with activities undertaken at the site.

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, as per your website..
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





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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.

