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Mr Aaron Marrs
Emery Planning Partnership
1-4 South Park Business Court
Hobson Street
Macclesfield
SK11 8BS

Mr Stephen Dobie
Loxely Homes
C/O Agent

Application no: HPK/2023/0491

Determined on: 11/01/2024

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:

Bankwood Mill, Bankwood, Charlesworth, Derbyshire, SK13 5ER

Description of Development:

Variation of condition 1 relating to HPK/2022/0555

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 carried out in accordance with the following approved plans:
 - PL03/20/040B 1 – Proposed Floor Plans
 - PL03/20/040B 2 – Proposed Elevations
 - PL03/20/040B 3 – Proposed Plans & Elevations of Outbuildings
 - PL03/20/040B 4 Rev A – Proposed Site Plan
 - PL03/20/040A 5 – Location & Curtilage Plan

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





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2. The materials to be used on the external elevations of the development hereby permitted shall be as agreed under discharge of conditions application DOC/2018/0074.

Reason:- To ensure that the external appearance of the development is appropriate to its surroundings in accordance with policy EQ6 of the High Peak Local Plan 2016 and the NPPF (2021).

3. No development involving any eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers and/or canopies shall take place until details of all such items have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:- To ensure that the external appearance of the development is appropriate to its surroundings in accordance with Policy EQ6 of the High Peak Local Plan 2016 and the NPPF (2021).

4. Prior to the dwellings hereby permitted being first occupied details of parking and manoeuvring of residents / visitors vehicles shall be first submitted to and approved in writing by the Local Planning Authority. The approved parking and manoeuvring areas shall be fully implemented and available to use prior to the buildings hereby approved being first occupied and shall be retained thereafter without impediment to their designated use.

Reason:- To ensure satisfactory service provision in the interests of highway safety, in accordance with Policy CF6 of the High Peak Local Plan and the NPPF.

5. The B1 office use building and stables hereby permitted (and associated manege) shall be used solely as ancillary to the dwellings hereby permitted and for no commercial activity.

Reason - In the interests of highway safety, in accordance with Policy CF6 of the High Peak Local Plan and the NPPF (2021).

6. Before the dwellings hereby permitted are first occupied or buildings brought into use the buildings and areas of hardstanding shown on drawing no. 1 approved under application HPK/2010/0396, received by the Local Planning Authority on 23rd August 2010, shall be completely demolished and removed from the site.

Reason - In the interests of the openness of the Green Belt and the visual amenity of the area and in accordance with Policies EQ2, EQ3, EQ4 and EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework (2021).

7. Prior to any construction works above ground level being undertaken a detailed scheme of hard and soft landscaping, including boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority, the details of which shall include:





- (a) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;
- (i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
- (k) retained historic landscape features and proposed restoration, where relevant.

Reason:- To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features, in the interests of visual amenity, in accordance with Policies S1, EQ2, EQ3, EQ6 and EQ9 of the High Peak Local Plan 2016 and the National Planning Policy Framework (2021).

8. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping (including boundary treatments) shall also be carried out in accordance with the approved details prior to the occupation or use of any part of the development approved or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason:- To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features, in the interests of visual amenity, in accordance with Policies S1, EQ2, EQ3, EQ6 and EQ9 of the High Peak Local Plan 2016 and the National Planning Policy Framework (2021).

9. The tree protection measures set out within the tree protection plan approved under discharge of conditions application DOC/2018/0074 (i.e. Cheshire Woodlands - Job Ref CW/9171-P-TP) must remain fully in place, and no development interfere with those tree protection measures, until an alternative tree protection plan has been submitted to and agreed in writing by the Local Planning Authority. The approved details contained in the revised tree protection plan shall be undertaken in full.



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Reason:- To protect the health and amenity of the trees in accordance with Policies EQ2 and EQ9 of the High Peak Local Plan 2016 and paragraph 118 of the National Planning Policy Framework (2021).

10. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 1995 (as amended by The Town and Country Planning (General Permitted Development) Order 2015), or any Order revoking or re-enacting or amending that Order with or without modification, no development within Schedule 2 Part 1, Classes A to H shall take place on the dwellinghouse(s) hereby permitted, any of the outbuildings or within the proposed curtilages of the dwellinghouses unless a further planning permission has first been granted on application to the Local Planning Authority.

Reason:- To protect the openness of the Green Belt, in the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for any additions, extensions, enlargements or other alterations in accordance with Policies S1, EQ2, EQ3, EQ4 and EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

11. The residential curtilages to the dwellings hereby permitted shall be restricted to the areas outlined on plan PL03/20/040B 5.

Reason - For the avoidance of doubt and to maintain the openness of the Green Belt and protect the purposes of including land within the Green Belt in accordance with Policy EQ4 of the High Peak Local Plan and the NPPF (2021).

12. No construction works above ground level shall commence until the Natural England EPS Bat Mitigation Licence has been revised to reflect proposals submitted with this approved application (HPK/2023/0491) and approved by Natural England. All works detailed in the revised Natural England EPS Bat Mitigation Licence shall be implemented in full and the results of any monitoring surveys shall be submitted to the Local Planning Authority and approved in writing.

Reason - To safeguard wildlife in the interests of nature conservation and to accord with Local Plan policy EQ5 and the NPPF (2021).

13. The above ground works in relation to the second (north-western) dwelling shall not commence until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.

Reason: - To prevent pollution of groundwater and to accord with Local Plan policy EQ10 and the NPPF (2021).

14. The development hereby approved shall proceed in strict accordance with the Flood Risk Assessment (FRA), prepared by Betts Hydro Consulting Engineers (Ref HYD118-THE FORMER BANKWOOD MILL-FRA Rev 3.0 dated 13th Dec 2017), and the mitigation measures identified. Any proposed changes to the approved FRA and /





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or the mitigation measures identified shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: - To prevent flooding to the site and /or surrounding areas and to comply with Local Plan policy EQ11 and the NPPF (2021).

15. The development hereby approved shall be carried out in accordance with the Heritage Assessment Rapid Building Appraisal Report (2018-BMCD) produced by Archaeological Building Recording Services, approved under discharge of conditions application DOC/2018/0074. The Report shall be submitted to Derbyshire HER. 'Archaeological monitoring' shall take place throughout the development and any required action shall be taken.

Reason:- In the interests of protecting and recording the historic environment and to accord with Local Plan policy EQ7 and section 16 of the NPPF (2021).

16. Within a period of 12 weeks from completion of the development the archaeological site investigation and post investigation analysis and reporting shall have been completed in accordance with the details approved under discharge of conditions application DOC/2018/0074 referred to in Condition 15 above and provision shall be made for publication and dissemination of results and archive deposition shall have been secured.

Reason:- In the interests of protecting and recording the historic environment and to accord with Local Plan policy EQ7 and section 16 of the NPPF (2021).

17. The development hereby approved shall be undertaken in accordance with the contaminated land report approved under discharge of condition application DOC/2018/0074.

Reason:- In the interests of public health and to accord with Local Plan policy EQ10 and the NPPF (2021).

18. The buildings hereby approved shall not be occupied until an appraisal to demonstrate that the water supply intended to serve the development is both suitable (wholesome) and sufficient, has been submitted to and approved in writing by, the Planning Authority. This appraisal shall be carried out by appropriately qualified person(s) and shall specify the means by which a water supply shall be provided and thereafter maintained to the development. Such appraisal shall also demonstrate that the sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, will not be compromised by the proposed development. The development itself shall not be occupied until the supply or any proposed treatment, storage or infrastructure has been installed in accordance with the approved appraisal.

Reason:- In the interests of public health and to accord with Local Plan policy EQ10 and the NPPF (2021).





19. There shall be no visible dust emissions beyond the site boundary associated with construction/demolition works undertaken at the site. In controlling dust on site, the contractor shall have due regard to the Building Research Establishment Document 'Control of Dust from Construction and Demolition Activities' (BR456).

Reason:- In the interests of public health and to amenity of the area and to comply with Local Plan policy EQ6 and the NPPF (2021).

20. 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 public health and the amenity of the area and to comply with Local Plan policies EQ6 & EQ10 and the NPPF (2021).

21. If piling is necessary a written method statement shall be submitted to and approved in writing by the Local Planning Authority. This method statement shall be in line with Environment Agency guidance (Environment Agency (2001), Piling and Penetrative Ground Improvements on Land Affected by Land Contamination NC/99/73). The affects of noise generation (hours of operation) shall also be considered, and shall include noise mitigation measures consistent with best practical means. No piling shall take place except in complete accordance with the approved method statement.

Reason:- In the interests of public health and to amenity of the area and to comply with Local Plan policy EQ6 and the NPPF (2021).

22. Unless prior permission has been obtained in writing from the Local Planning Authority, all noise-generating activities shall be restricted to the following times of operations.

- i) 07:30 - 18:00 hours (Monday to Friday);
- ii) 08:30 - 14:00 hours (Saturday)
- iii) 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 public health and to amenity of the area and to comply with Local Plan policy EQ6 and the NPPF (2021).

Informative

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 without amendment and the



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scheme has been approved without delay.

2. Further information on General Binding Rules can be found at:

<https://www.gov.uk/permits-you-need-for-septic-tanks>
<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground> <https://www.gov.uk/government/publications/small-sewage-discharges-in-englandgeneralbinding-rules>

3. Under the Environmental Permitting Regulations, a flood risk activity permit from the Environment Agency may be required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Etherow, which is designated a 'main river'. The applicant is advised to check online at:
<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

The Environment Agency has discretionary powers to carry out maintenance works on the channels of "main river" watercourses to remove blockages and ensure the free flow of water. The responsibility for the repair and condition of the River Etherow, its channel, banks and adjacent structures, lies ultimately with the riparian owner.

4. If a borehole is provided, or any other potable private supply borehole, and is located within 50m of the drainage fields then the General Binding Rules will not apply and the developer will need to apply for an Environmental Permit under the Environmental Permitting Regulations 2016.

5. A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999. The applicant should contact United Utilities on 03456 723 723 regarding connection to the water mains or public sewers.

6. It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities offers a fully supported mapping service. To find out how to purchase a sewer and water plan, please visit the Property Searches website; <https://www.unitedutilities.com/property-searches/>.

7. United Utilities wishes to draw attention to the following as a means to facilitate sustainable development within the region. Site drainage in accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

8. The application site is affected by a public Right of Way (Footpath No.60, Charlesworth on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment at all times and the safety of the public using it must not be prejudiced either during or after development works take place. Advice regarding the temporary (or permanent) diversion of such routes may be obtained from the Director of Environmental Services at County Hall, Matlock (tel: 01629 580000 and ask for the





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Footpaths Officer). The granting of planning permission does not absolve the applicant from complying with the relevant law on protected species, including obtaining and complying with the terms of any licence that may be required as described in Part IV (B) of Ministerial Circular 06/2005.

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.

