

Mr P Garmer
Garner Town Planning Ltd
24A Market Sreet
Disley
SK12 2AA



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24A Market Sreet
Disley
SK12 2AA

Mr Rowbottom
Workshop Back Spinnerbottom
Birch Vale
Staffordshire
SK22 1BN

Application no: HPK/2023/0540

Determined on: 27th March 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:

Workshop Back Spinnerbottom Birch Vale Derbyshire SK22 1BN

Description of Development:

Extension to existing commercial building, with associated parking and landscaping

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: Location Plan (23-267); Proposed Floor Plans (23-367-03); Proposed Site Plan (23-367-06)

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

3. The existing walls of the building shall be retained in accordance with the details shown on the approved Floor Plans (23-367-03)

Reason: - For the avoidance of doubt and to ensure that the development is carried out as approved





4. No development above foundation level shall commence until a schedule of materials detailing all facing materials to be used in the construction of external walls and roofs of the approved extension has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in complete accordance with the approved materials.

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 National Planning Policy Framework.

5. Within 3 months of the commencement of development on site, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority, details of which shall include:

- (i) indications of all existing trees and hedgerows on the land;
- (ii) details of any to be retained, together with measures for their protection throughout the construction phase of the development
- (iii) all species, planting sizes, densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed extension and other works;
- (iv) finished levels and contours;
- (v) means of enclosure;
- (vi) car park layout;
- (vii) other vehicle and pedestrian access and circulation areas;
- (viii) hard surfacing materials

The development shall be carried out in accordance with the approved details.

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 and EQ6 of the High Peak Local Plan and relevant paragraphs contained within Chapter 12 of the NPPF

6. 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 shall also be carried out in accordance with the approved details prior to the occupation of any part of the development 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 and EQ6 of the High Peak Local Plan 2016 and the National Planning Policy





Framework.

7. No operations shall commence on site in connection with the development hereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations has been submitted to and approved in writing by the Local Planning Authority and the protective fencing is erected as required by the AMS.

The AMS shall include full details of the following:

- a) Timing and phasing of Arboricultural works in relation to the approved development.
- b) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works.
- c) Details of a tree protection scheme in accordance with BS5837:2012: which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are shown to be retained on the approved plan and trees which are the subject of any Tree Preservation Order.
- d) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme
- e) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order, 1995 (as amended by The Town and Country Planning (General Permitted Development) Order 2015), no services shall be dug or laid into the ground other than in accordance with the approved details.
- f) Details of any changes in ground level, including existing and proposed spot levels required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme.
- g) Details of any vehicular drives, parking areas and other hard surfacing within the root protection area (as defined by BS5837:2012). The design and construction must in accordance with the recommendations of BS5837:2012. Include details of existing ground levels, proposed levels and depth of excavation.
- h) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the arboricultural method statement.

Development shall take place in complete accordance with the approved AMS.





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 relevant paragraphs under Chapter 15 of the National Planning Policy Framework

8. No development above foundation level shall commence until a scheme of Ecological Enhancement is submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first use of the approved development and maintained thereafter. Once installed, photographs of the enhancement measures, supported by a plan showing the location of any bird and bat boxes shall be submitted to and approved in writing by the Local Planning Authority in order to fully discharge the condition

Reason:- In the interests of securing an enhancement of biodiversity in accordance with Local Plan Policy EQ5 of the High Peak Local Plan and relevant paragraphs under Chapter 15 of the NPPF

9. Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of such lighting. Any new lighting shall be directed into the site and lamps hooded to avoid light spill onto the trees, with motion sensors or timers used to limit illumination to essential periods only. The external lighting shall thereafter be implemented and maintained in accordance with the approved details.

Reason:- To safeguard the ecology of the area in accordance with Policy EQ5 of the High Peak Local Plan and Chapter 15 of the NPPF.

10. Before the first occupation of the development hereby approved, space shall be provided within the application site in accordance with the application drawings for the parking and manoeuvring of visitors, staff, customers and service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason:- In the interests of highway safety and in accordance with Policy CF6 of the High Peak Local Plan 2016 and relevant paragraphs under Chapter 9 of the NPPF.

11. Before any fixed external plant and/or machinery is used on the premises, it shall be acoustically treated in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The plant and machinery shall thereafter be installed and maintained in accordance with the approved details.

Reason:- To ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected in accordance with Policy EQ6 of the High Peak Local Plan 2016 and relevant paragraphs under Chapter 12 of the NPPF.

12. No discharges to the 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 to be submitted to and approved



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by the Local Planning Authority. The approved scheme shall be implemented before any discharges from the site.

Reason:- To ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected in accordance with Policies EQ6 and EQ10 of the High Peak Local Plan 2016 and relevant paragraphs under Chapter 15 of the National Planning Policy Framework.

13. There shall be no visible dust emissions beyond the site boundary associated with construction/demolition works undertaken at the site.

Reason - To ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected in accordance with Policy EQ6 of the High Peak Local Plan and the National Planning Policy Framework.

14. All construction, demolition and deliveries to the site shall take place between the following times:
- 08:00 - 18:00 hours (Monday to Friday);
 - 08:30 - 14:00 hours (Saturday)
 - No working is permitted on Sundays or Bank Holidays.

Reason - To ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected in accordance with Policies EQ6 and EQ10 of the High Peak Local Plan and the National Planning Policy Framework.

Informatives

1. During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of Paragraph 38 of the National Planning Policy Framework.
2. The applicant's attention is drawn to the requirements of Condition 3 above, which requires the existing walls of the building to be retained in accordance with the details shown on Dwg No. 23-367-03. In the event that these walls cannot be retained then the applicant is advised that works should cease on site until such time as a new planning application has been submitted to and approved by the Local Planning Authority.
3. A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition of the existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements: <http://www.hse.gov.uk/>
4. 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





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shall be extinguished without delay.

5. 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 top of the bank of the River Sett, designated a 'main river'. This was formerly called a Flood Defence Consent. 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: <https://www.gov.uk/guidance/flood-risk-activities-environmentalpermits>.
6. 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. Information on riparian landowner's rights and responsibilities can be found at <https://www.gov.uk/guidance/owning-a-watercourse>.

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council





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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.
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.

