

High Peak Borough Council - Planning
Buxton Town Hall
Market Place
Buxton
Derbyshire
SK17 6EL

22 May 2024
EP ref: 24-233

Dear Sir or Madam

Re: An application for non-material amendment in relation to conditions 10 and 14 attached to application HPK/2019/0376 in relation to Waterswallows Industrial Park, Buxton, SK17 7JB

Please find enclosed an application under Section 96A of the Town and Country Planning Act 1990 (as amended) for a non-material amendment to planning permission HPK/2019/0376 at the above site, which seeks to make amendments to the conditions 10 (wheel washing facilities) and 14 (electric charging points)

Context

For context, this application has been submitted in response to concerns raised by the Council's Enforcement Officer on Thursday, 18th April, regarding the outstanding discharge of conditions Nos. 10 and 14 attached to planning application ref. HPK/2019/0376 established permission for a Haulage Park in November 2020.

Following correspondence with the Council Enforcement Officer in 2022 with regards to outstanding conditions which required formal discharge, application DOC/2022/0021, was formally submitted to High Peak Borough Council on the 4th of April 2022 seeking the discharge of conditions 4,6,7,9, and 13 attached to application ref. HPK/2019/0376. It should be noted that many of the conditions submitted for discharge required information to be submitted within a specific timeframe that had already passed when the discharge of condition application was submitted to the local authority. It should be noted that provisions in relation to conditions 10 and 14 had already been implemented on-site.

This application has been in with the Local Planning Authority for **two years**. Despite efforts to try and contact the Planning Officer and the Head of Development Services, we are still awaiting confirmation from the Local Planning Authority that the conditions have been formally discharged. During this time, there was no reference to outstanding conditions 10 and 14.

This application is made in agreement with the Council Enforcement Officer, who has agreed that the outstanding conditions can be resolved by way of a non-material amendments application.

Condition No. 10 – Wheel washing facilities

Condition 10 is currently worded as follows:

“Within 1 month of the date of this permission details of adequate vehicle wheel cleaning facilities to be provided at the site access shall be submitted to the Local Planning Authority for its written approval. The approved facilities shall be provided within one month of the date of the approval and shall be retained in place throughout the lifetime of the development. All HGVs shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud and other extraneous material on the public highway. Reason:-In the interests of highway safety.”

We can confirm that two portable wheel wash facilities are on site. Please see the photograph below of the facilities taken on 18th April 2024. Wheel washing facilities have been on site since planning permission was granted; they are portable, as there are two entrances to the site, and they are moved depending on need. Wheels are washed before vehicles leave the site to prevent mud on the highway when conditions require it.

The first 30 metres of the access into the site off Waterswallows Road is surfaced in a hard-bound material as required by condition 11. This is also brushed and washed down on a regular basis to prevent mud on the highway.

Image 1: A photograph of the Wheel washing facilities on site



Condition No. 14 – Electric Charging Points

Condition 14 states:

Within three months of the date of the decision, five electric vehicle power charging points shall be installed on the Lomas Distribution site on the opposite side of Waterswallows Road in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Reason:- In order to encourage more environmentally friendly modes of transport to and from the site in the interests of air quality

We can confirm that 5 electric charging points and one HGV point were installed on the site shortly after the grant of planning permission in 2020. This was confirmed within the revised Air Quality Management Plan sent to the Local Planning Authority on 29 June 2023. The specification for the car charges is ICS W7B. A data sheet for the charging points is included in this submission.

Image 2: A photograph of one of the Car EV charging points mounted on a stake rooted to the ground at the Office Car Park at Lomas Distribution



Image 3: Photograph of the HGV wall-mounted charging point at the main office at Lomas Distribution



Non Material Amendment

As details have been submitted with this application to discharge the relevant conditions formally it is proposed that the wording of the condition be amended to state the following;

Condition No. 14 – Electric Charging Points

It is proposed that the wording of the condition is amended to state:

~~Within three months of the date of the decision, five electric vehicle power charging points shall be installed on the Lomas Distribution site on the opposite side of Waterswallows Road in accordance with details to be submitted to and approved in writing by the Local Planning Authority.~~

The 5 electric vehicle power charging points shall be provided on-site for the life of the development Reason:- In order to encourage more environmentally friendly modes of transport to and from the site in the interests of air quality.

Condition No. 10 – Wheel washing facilities

It is proposed that the wording on Condition No 10 is amended to state:

~~Within 1 month of the date of this permission details of adequate vehicle wheel cleaning facilities to be provided at the site access shall be submitted to the Local Planning Authority for its written approval. The wheel washing cleaning facilities shall be provided within one month of the date of the approval and shall be~~ *retained in place throughout the lifetime of the development. All HGVs shall have their wheels cleaned before leaving the site to prevent the deposition of mud and other extraneous material on the public highway. Reason:-In the interests of highway safety.*

Alternatively, if Officers are not satisfied with the information that has been submitted to discharge the respective conditions, it is suggested that the timescales identified within each of the conditions (i.e., three months and one month) be amended to a realistic timeframe to allow the relevant information to be submitted to the authority for approval and implemented on-site. We would be happy to negotiate an alternative timescale if required.

Summary

There would be no material change to the operations of the approved scheme; the description of the development and the changes proposed do not alter the principle or character of the consented scheme. There would be no change to the assessment of the scheme against planning policy.

In accordance with the above, the application complies with S.96A of the Town and Country Planning Act 1990, and we respectfully request that the Non-Material Amendment is approved without delay.

Should you have any questions or require any further information, please contact our office as soon as possible before determining the application.

Yours sincerely
Emery Planning

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Director

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