

DELEGATED DECISION REPORT

HPK/2025/0397
Valid 09/10/2025

MARKOVITZ BUILDERS
MERCHANTS LTD PARK
ROAD
HADFIELD
GLOSSOP

APPLICATION FOR THE
VARIATION OF CONDITION 10
IN RELATION TO
HPK/2023/0204

(FULL - MINOR)

MAIN ISSUES

- Amenity

DESCRIPTION OF SITE

The application relates to a site with an area of some 0.9ha which is home to an existing well established builders merchants yard adjacent to Park Road, Hadfield operated by 'Markovitz Builders'.

The site benefits from an existing gated access to the public highway which runs in a north-south direction to the west of the site. Parking is allocated to the front of and within near proximity to the trade counter, with a large yard area beyond.

The site contains a number of buildings, comprising a two storey brick building situated near the entrance, operating as a trade counter and retail unit, constructed in buff coloured brick, 4no. smaller detached buildings all with mono-pitched roofs situated more centrally within the plot, and a larger portal framed building used for storage which is situated adjacent to the north-eastern boundary.

The site benefits from planning permission granted under HPK/2023/0204 granted on 18th October 2023 for development described as:

"Demolition of two existing buildings and erection of replacement retail/storage building, partial demolition and alterations to existing trade counter building and amendments to front boundary wall and access."

Condition 10 relating to this permission states the following:

10. *Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 Mondays to Fridays, and 08:00 to 13:00 on Saturdays, nor at any time on Sundays and Bank Holidays. Pile driving shall not take place outside 09:00 to 16:00 Mondays to Fridays, or at any time on Saturdays, Sundays or Bank Holidays.*

Reason:- In the interests of public and residential amenity.

PROPOSAL

The application seeks to vary Condition 10 under Section 73 of the Town and Country Planning Act by extending the hours permitted in relation to construction from 13:00 to 17:00 on Saturdays.

The Application Form states that the reason that this variation is required is to allow works to the apron entrance of the vehicular access to be undertaken outside of the opening hours of the business.

Further submissions have been received from the applicant, which argues that being allowed to carry out these works without impacting on the operations of the business is essential, with all staff vacating the site by 13:00 on Saturdays.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 38(6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.

The Local Development Plan for this site comprises the High Peak Local Plan (2016). Adopted Supplementary Planning Guidance documents and the National Planning Policy Framework (NPPF) are also material considerations in determining applications.

High Peak Local Plan 2016

S1 Sustainable Development Principles
S1a Presumption in Favour of Sustainable Development
EQ10 Pollution and Unstable Land

National Planning Policy Framework 2024

Achieving Sustainable Development	Chapter 2
Building a Strong Competitive Economy	Chapter 6
Conserving and Enhancing the Natural Environment	Chapter 15

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0001/4599	For Proposed Storage Building For Pre-packed Fuel And Building Materials In An Area Already Used For Storage Of Same Materials (Approved)
HPK/0001/5371	For Proposed Storage Building For Pre-packed Fuels And Building Materials, In An Area Already Used For Storage Of Same Materials (Approved)
HPK/0003/3026	Extension and alterations to form additional shop area (Approved 11/11/1993)

NMA/2021/0021	Application for a non-material amendment following a grant of
HPK/2019/0460	Front entrance porch to be added to the building (Withdrawn)
HPK/2022/0026	Alterations and extensions to existing builders merchants building with associated alterations to front boundary wall and access (Approved 22/08/2022)
HPK/2023/0204	Demolition of two existing buildings and erection of replacement retail / storage building partial demolition and alterations to existing trade counter building and amendments to front boundary wall and access (Approved 18 th October 2023)

CONSULTATIONS

Publicity

Site Notice expiry date: 18th November 2025
 Neighbour consultation period ends: 3rd November 2025
 Press Advert: N/A

Public Comments

None

Town / Parish Comments

No comments received at time of writing

Environmental Health

Initial Response

I would advise against a relaxation of the hours, its likely to give rise to a loss of amenity for local residents. But it's a question of planning balance, for the LPA to decide based on the rational presented by the applicant.

Further Response

If (applicant's justification) sounds reasonable; the contractor needs to take possession of the site when its not operating as a builders merchant. Can this be approved by appropriate condition, to limit the impact?

Tree Officer

No comments to make

Derbyshire County Council Highways

No objections

OFFICER COMMENTS

Principle of Development

The principle of development has been established by virtue of the fact that this S73 application relates to an extant planning permission that expires on 18th October 2026.

Amenity

LP Policy S1 sets out a number of sustainability principles which all new development proposals should incorporate in order to make a positive contribution towards the sustainability of communities and to protect, and where possible enhance the environment.

LP Policy EQ10 seeks to ensure that people and the environment are protected from adverse impacts relating to issues including air pollution, noise, light pollution or any other nuisance or harm to amenity, by securing appropriate mitigation by way of planning conditions and obligations.

Paragraph 198 of the NPPF states that policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development and in doing so should mitigate and reduce to a minimum potential impacts resulting from noise.

The existing merchant's yard is located at the fringes of Hadfield and within relatively close proximity to existing neighbouring residential properties, which are in the main situated close to the entrance of the site.

Condition 10 was recommended by Environmental Health in the interests of preserving the amenity of nearby residential properties during the construction period.

The applicant argues that the proposed extension of the permitted hours of construction is required in order to carry out works to the apron of the vehicular access when the merchants yard business is not open on Saturdays.

Having discussed the matter with Environmental Health, Officers are satisfied that this proposed variation (an additional 4hrs of construction on Saturday afternoons) is reasonable in principle.

However, in order to ensure that amenity is protected an additional condition is considered to be necessary that ties the increased hours of construction as set out in an (amended) Condition 10 to a specific area within the site.

As agreed with the applicant, the revised wording of Condition 10, and a (new) Condition 11 is set out as follows:

10. *Other than works specified under Condition 11, construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 Mondays to Fridays, and 08:00 to 13:00 on Saturdays, nor any time on Sundays and Bank Holidays. Pile driving shall not take place outside 09:00 to 16:00 Mondays to Fridays, or at any time on Saturdays, Sundays or Bank Holidays.*
11. *Works to the apron of the vehicular access from Park Road within the specific area as shown within red edge on Plan Ref: 2019-2480-28) are permitted to take place between the hours of 13:00 and 17:00 on Saturdays. All other construction and associated deliveries that are not contained within the area defined within this Condition must conform to the parameters under Condition 10.*

The area defined by a red edge on the plan reference stated in the (new) Condition 11 above is considered to be acceptable, as it relates solely to the apron of the vehicular access serving the site.

The absence of objections from any neighbouring residential property gives weight to the fact that this modest extension of construction hours, specifically in relation to the apron of the vehicular access, does not result in any unacceptable impacts to neighbouring amenity.

In the interests of completeness, this new plan reference will also be incorporated into Condition 2 (approved plans condition).

Condition 3 and 5 have been formally discharged under DOC/2025/0003 on 17th March 2025. As such, these conditions will now read as compliance rather than pre-commencement conditions on this latest Decision Notice. The plans approved under this application have also been incorporated into the approved plans condition for this S73 permission.

Subject to compliance with these conditions, it is considered that the proposed variation would continue to preserve the amenity of neighbouring properties in accordance with LP Policies S1, EQ10 and relevant paragraphs contained under Chapter 15 of the NPPF.

CONCLUSION / PLANNING BALANCE

LP Policy S1a reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework. It states that planning applications that accord with relevant policies in the Local Plan will be approved without delay.

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development. For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or

- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination

The application seeks the variation of a condition relating to an extant planning permission granted under HPK/2023/0204, which would allow construction to take place for an additional 4hrs on Saturday afternoons until 17:00.

Further to discussions with colleagues in Env Health, Officers are satisfied that being able to carry out construction works to the apron of the vehicular access after the operational hours of the business on Saturdays is a reasonable request.

Subject to an additional condition being introduced which specifies the exact area where construction works are permitted to take place within the desired extended hours, the Council are satisfied that there would not be any unacceptable adverse impacts to neighbouring amenity in accordance with LP Policies S1 and EQ10, and relevant paragraphs contained under Chapter 15 of the NPPF.

The application is thus considered to comply with the Local Development Plan and all other material considerations, and thereby constitutes a sustainable form of development. In line with LP Policy S1a and paragraph 11, the application is recommended for approval.

OFFICER RECOMMENDATION: Approve with Conditions

Case Officer: James Stannard

Recommendation Date: 13th January 2026

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council

