



TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1995

FULL PLANNING APPLICATION

PERMISSION

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| Applicant | New Mills Motor Body Repair Centre Limited 54 Albion Road New Mills SK22 3EX | Application no. HPK/2008/0002 Registered on 02/01/2008 Determined on 25/02/2008 |
| Agent | John F Lomas M.R.I.C.S M.B.Eng Rothbury Chapel Road Hayfield SK22 2JF | |

High Peak Borough Council hereby **PERMIT** this application for **FULL PLANNING PERMISSION** for

New industrial building (B2 Use) to form motor body repair centre at Former Trailer Storage Yard Off Chapel Street New Mills

in accordance with the submitted application, details and accompanying plans listed below because having regard to the existing development in the area and the provisions of the development plan the proposal would be in accordance with the plan, would not materially harm the character or appearance of the area or the living conditions of neighbouring occupiers subject to the following conditions and reasons:-

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission unless some other specific period has been indicated in other conditions given.

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Head of Planning & Development

2. No development shall commence until samples of the materials to be used in the construction of the external surfaces of the approved development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
3. The premises shall not be open or the use hereby permitted operate outside the following hours:-
 1. 0800 hours to 1800 hours Mondays to Fridays.
 2. 0800 hours to 1300 hours on Saturdays.
 3. At any time on Sundays or Public Holidays except by agreement with the Local Planning Authority.
4. No discharges to atmosphere of any gaseous or particulate matter shall take place until full details of siting and design of an odour control, particulate control and ventilation system to the spray booths and ancillary areas such as paint mixing rooms, etc to be installed is submitted to, and approved in writing by, the Local Planning Authority. Such control equipment and ventilation, as approved, shall be installed and operating correctly before the use hereby permitted occurs and maintained thereafter. (Such details to include a design concentration limit for particulate matter, height of stacks and effluent velocity of effluvia from the extract stacks serving such facilities and design calculations supporting the criteria of no obnoxious odour detectable beyond the site boundary).
5. The rating level of the noise emitted from the site the subject of this planning approval shall not exceed the pre-existing representative daytime background level (LA90 1 hour) determined by the applicant at the boundary of residential premises. The measurement and assessment shall be in accordance with BS4142:1997. The rating level when determined shall be submitted to the local planning authority for approval together with supporting calculations.
6. The extract ventilation system to the spray booths and ancillary operations shall be fitted with effective silencers in accordance with an acoustic specification to be agreed in writing with the Local Planning Authority in order to comply with Condition 5. The approved silencers shall be installed prior to commencement of the use of the development and maintained thereafter.
7. No development shall take place until monitoring has been carried out at the site for the presence of landfill gas in accordance with a scheme to be agreed with the Local Planning Authority. The results of the monitoring shall be submitted to the Local Planning Authority as soon as they are available.
8. If the presence of landfill gas is confirmed, or there is evidence that migration of landfill gas is likely to occur, development shall not commence until satisfactory remedial measures have been taken to control and manage the gas and to monitor the effectiveness of these measures. All such measures shall be agreed in writing by the Local Planning Authority before development.
9. No construction/demolition work at the site shall take place outside the following hours:-

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1. 0700 hours to 1900 hours Mondays to Fridays.
2. 0800 hours to 1600 hours on Saturdays.
3. At any time on Sundays or Public Holidays except by agreement with the Local Planning Authority.
4. All deliveries to the site shall be limited to within the above hours.

Any equipment which needs to be operated outside the hours specified above shall be acoustically screened in accordance with a scheme to be agreed in writing with the Local Planning Authority.

10. The development shall not be commenced until a scheme to identify and control any contamination of land, or pollution of controlled waters has been submitted to, and approved in writing by, the Local Planning Authority (LPA); and until the measures approved in that scheme have been implemented. The scheme shall include all of the following measures (phases I to III) unless the LPA dispenses with any such requirement in writing:

i) Desk-top study /phase I

A desk-top study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two full copies of the desk-top study and a non-technical summary shall be submitted to the LPA without delay upon completion.

ii) Intrusive Site Investigation /phase II

If identified as being required following the completion of the desk-top study, an intrusive site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed taking into account the site's existing status and proposed new use. Where samples are taken they shall be analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme, for all parameters requested (where this is available). Two full copies of the site investigation and findings shall be forwarded to the LPA without delay upon completion.

iii) Remediation method statement /phase III

A written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site shall be submitted and approved by the LPA, and all requirements shall be implemented and completed to the satisfaction of the LPA. No deviation shall be made from this scheme without the express written agreement of the LPA.

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If during the development any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.

11. Prior to occupation of the development (or parts thereof) an independent validation report must be submitted demonstrating that the works have been carried out satisfactorily, and remediation targets have been achieved (pursuant to Aii and Aiii above only). This report shall be produced by a suitably qualified and accredited independent body (independent of the developer).

The report shall provide verification that the remediation works have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met.

12. In the event it is proposed to import soil onto site in connection with the development the proposed soil shall be sampled at source and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme, for all parameters requested (where this is available), the results of which shall be submitted to the Local Planning Authority for consideration. Only the soil approved in writing by the Local Planning Authority shall be used on site.
13. No piling shall take place outside the hours 0900 hours to 1600 hours Mondays to Fridays.
14. A scheme of dust suppression shall be submitted to include measures to prevent dust escaping from the site e.g. wet suppression of dust during dry periods or cessation of activities during windy periods and measures to clean vehicular wheels as appropriate to prevent mud on the highway.
15. Before any other operations are commenced (excluding demolition/ site clearance), space shall be provided within the site curtilage for [storage of plant and materials/ site accommodation/ loading and unloading of goods vehicles/ parking and manoeuvring of site operatives and visitors vehicles], laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.
16. The premises, the subject of the application, shall not be taken into use until space has been provided within the application site in accordance with the approved drawings for the parking and manoeuvring of residents/ visitors/ staff/ customers/ service and delivery vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
17. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the buildings and no later than 12 months of that occupation or the completion of the

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development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the approved scheme 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 the local planning authority gives written consent to any variation.

Reasons

1. The time limit condition is imposed in order to comply with the requirements of sections 91, 92, 93 and 56 of the Town and Country Planning Act 1990 and section 51 of the Planning and Compulsory Purchase Act 2004.
2. In the interests of visual amenity. In accordance with Policy GD4 (Policy BC5 and BC8 in respect of developments in conservation areas/listed buildings) of the Adopted High Peak Local Plan 2005.
3. In order to protect the amenities of the area in accordance with policy GD5 of the Adopted High Peak Local Plan 2005.
4. In the interests of amenity. In accordance with Policy GD5 of the Adopted High Peak Local Plan 2005.
5. In order that the amenities enjoyed by the occupants of the adjacent dwellings shall not be injured. In accordance with Policy GD5 of the Adopted High Peak Local Plan 2005.
6. In the interests of amenity. In accordance with Policy GD5 of the Adopted High Peak Local Plan 2005.
7. To ensure that the site is developed in a safe manner and ensure a satisfactory standard of development in the interests of the amenity of the area in accordance with Policy GD5 of the Adopted High Peak Local Plan 2005.
8. To ensure that the site is developed in a safe manner and ensure a satisfactory standard of development in the interests of the amenity of the area in accordance with Policy GD5 of the Adopted High Peak Local Plan 2005.
9. In order to protect the amenities of the area in accordance with policy GD5 of the Adopted High Peak Local Plan 2005.
10. To identify and remediate any potential land contamination in accordance with Policy GD11 of the Adopted High Peak Local Plan, 2005.
11. To ensure a satisfactory standard of development in accordance with Policy GD5 of the Adopted High Peak Local Plan, 2005.
12. To identify and remediate any potential land contamination in accordance with Policy GD11 of the Adopted High Peak Local Plan, 2005.

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13. In order to protect the amenities of the area in accordance with policy GD5 of the Adopted High Peak Local Plan 2005.
14. In order that the amenities of the district shall not be injured. In accordance with Policy GD5 of the Adopted High Peak Local Plan 2005.
15. To ensure satisfactory service provision in the interests of highway safety. In accordance with Policy TR5 of the Adopted High Peak Local Plan 2005.
16. To ensure satisfactory service provision in the interests of highway safety. In accordance with Policy TR5 of the Adopted High Peak Local Plan 2005.
17. In the interests of the visual amenities. In accordance with Policy GD6 of the Adopted High Peak Local Plan 2005.

Notes to Applicant

The applicant attention is drawn to the correspondence from Network Rail, dated 4th February 2008 which is appended to this decision.

Plans

The plans to which this Notice refers are listed below:

07.12/1
07.12/2
07.12/3A
07.12/4
07.12/5
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Adrian Fisher
Head of Planning & Development

High Peak Borough Council Planning and Development Services, Municipal Buildings, Glossop, Derbyshire SK13 8AF
Tel 0845 129 77 77 Fax 01457 860290 Minicom 0845 129 48 76
E-mail planning@highpeak.gov.uk Website www.highpeak.gov.uk

NOTES

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Office of the Deputy Prime Minister in accordance with Section 78 & 79 of the Town and Country Planning Act 1990. **PLEASE NOTE the time period for appeal has changed.** If your application was registered as received before 14th January 2005 you can appeal within 3 months of the date of this decision. **If your application was registered on or after 14th January 2005 you can appeal within 6 months of the date of this decision.** The Office of the Deputy Prime Minister has power to allow a longer period for the giving of a notice but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The First Secretary of State is not required to entertain an appeal, if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements, to the provisions of the development order, and to any direction given under the order.
2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Office of the Deputy Prime Minister, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of development which has been or would be permitted, he may serve on the Council of the county district in which the land is situated, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Section 137 & 138 of the Town and Country Planning Act 1990.
3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the First Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.
4. This permission relates to planning control only. Approval under the Building Regulations may also be required from this authority. Any other statutory consent necessary must be obtained from the appropriate authority.
5. If it is intended to give notice of appeal in accordance with Paragraph 1 above, this should be done on the appropriate form obtainable from: The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, tel. 0117 3728000, fax. 0117 – 3728624.
6. 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 the strengthening of a footway, as the Authority considers necessary, or may be required to comply with conditions, imposed by the Authority. You should contact the Highway Authority, Derbyshire County Council at County Hall, Matlock, Derbyshire, tel. 01629 580000.
7. Developers should be aware of their statutory obligations with regard to access to buildings

and their surroundings, in particular:

Building Regulations 2000 Approved Document M, 1999 Edition
The Work Place (Health, Safety & Welfare) Regulations 1992
The Disability Discrimination Act 1995
The Disability Discrimination (Employment) Regulations 1996

8. Developers should also be aware of the provisions of the Gas Safety Regulations 1972 and Gas Safety (Installation and Use) Regulations 1984. It is possible that the existing gas service pipe which lies within the area of the proposed extension of alterations which will contravene the provisions of these Regulations. It is necessary that you contact British Gas, North West House, Gould Street, Manchester, M4 4DJ, who will advise if the existing gas service pipe requires alterations.