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High Peak Borough Council

working for our community

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

FULL PLANNING APPLICATION

PERMISSION

Applicant Tesco Stores Ltd (C/O Agent)
PO Box 400 Cirrus B Building
Shire Park
Welwyn Garden City
AL7 1AB

Application no. HPK/2010/0603

Registered on 16/11/2010

Determined on 30/03/2011

Agent Mrs Hannah Roper
DPP
The Exchange
3 New York Street
Manchester
M1 4HN

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

Proposed rear extension to existing supermarket, amendments to car park layout and installation of CHP unit. at Tesco Stores Bridgemont Whaley Bridge

in accordance with the submitted application, details and accompanying plans listed below 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

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Andy Ellis – Development Control Manager

period has been indicated in other conditions given.

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. Notwithstanding details shown on the submitted plans, no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall specifically show the size and position and content of interpretation boards, the size and position of litter bins, and nclude the number, sizes and species of the proposed planting; the proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (eg drainage power, communications, cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.

4. 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 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.

5. 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.

6. The extension to the premises, the subject of the application, shall not be taken into use until additional car parking space (including secure, covered cycle parking at a ratio of 1 space per 10 parking spaces), and space for a bus stop has been provided within the application site, in accordance with the application drawings, for the parking of staff and customers vehicles , laid out, surfaced as may be agreed with

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the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.

7. Before any other operations are commenced revised designs shall be submitted to the Local Planning Authority for written approval indicating modified recycling facilities, setback further into the site to allow unloading vehicles to wait clear of the car park exit route. The approved works being completed in a timescale to be agreed with the Local Planning Authority and thereafter maintained throughout the life of the development free from any impediment to its designated use.

8. The extension to the premises, the subject of the application, shall not be taken into use until a revised Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals / targets (including a timetable), to promote travel by sustainable modes which are acceptable to the Local Planning Authority, and shall be implemented in accordance with the timetable set out therein, unless otherwise agreed in writing with the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted at least annually, on each anniversary of the date of the planning consent, to the Local Planning Authority for approval or as may be otherwise agreed in writing.

9. Prior to the commencement of development the developer shall submit for approval details of surface water drainage for the development. The drainage works shall thereafter be implemented in accordance with the approved plans.

10. No development shall take place until all of the steps detailed in this condition have been completed. A site investigation shall be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall then be submitted to the local planning authority in writing. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall then be remediated in accordance with the approved measures.

    If during the course of development, any contamination is found which has not been identified by the site investigation, then additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

11 No discharges to atmosphere of any gaseous or particulate matter shall take place from the CHP unit until full details of measures for the attenuation of noise and minimisation of air pollutants from the unit have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented and

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Andy Ellis – Development Control Manager

subsequently maintained during the life of the development hereby approved, unless otherwise agreed in writing by the LPA .

12. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Pinnacle and received by High Peak Borough Council on 18/11/2010 and the following mitigation measures detailed within the FRA:
- Limiting the surface water run-off generated by the 1 in 100 years plus 20% critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

13. Prior to the occupation of the proposed extension a site waste management plan for the development shall be submitted to and approved by the Local Planning Authority. The development shall thereafter operate in accordance with the approved management plan.

14. Noise arising from operations on site shall not exceed the following when measured at any point on the boundary of the site:-
- Between 7.00am and 23.00 pm a maximum noise level of 55dBL aeq in any one hour period, and
- Between 23.00 pm and 7.00 am the following day a maximum noise level of 40dBLaeq in any 5 minute period.

15. No construction work at the site shall take place outside the following hours:
i) 7.00am to 19.00pm Mondays to Fridays
ii) 8.00am to 4.00pm Saturdays
iii) At any time on Sundays or Public Holidays
Except by agreement with the Local Planning Authority.

16. No driven piling methods shall be used at the site.

17. No piling shall take place outside the hours 9.00am to 16.00pm Mondays to Fridays.

18. The buildings environmental performance shall meet the requirements of BREEAM - "Very Good" , and within 6 months of completion a post construction stage certificate to confirm this rating shall be submitted to the Council and approved in writing, unless otherwise agreed by the LPA.

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.

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2. In the interests of visual amenity, in accordance with Policy GD4 (and Policies BC5 and BC8 in respect of developments in conservation areas/listed buildings) of the High Peak Saved Local Plan Policies 2008.

3. In the interests of visual amenity, in accordance with Policy GD6 of the High Peak Saved Local Plan Policies 2008.

4. In the interests of visual amenity, in accordance with Policy GD6 of the High Peak Saved Local Plan Policies 2008.

5. In the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

6. To ensure adequate car parking provision within the site in accordance with the adopted standards of the Local Planning Authority and in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

7. In the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

8. In the interests of sustainability, in accordance with Policy TR1 of the High Peak Saved Local Plan Policies 2008.

9. To ensure a satisfactory standard of drainage and in the interests of the amenities of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

10. 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 High Peak Saved Local Plan Policies 2008.

11. In order that the amenities of the district shall not be injured, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

12. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure safe access and egress from and to the site.

13. In the interests of amenity, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

14. In order that the amenities enjoyed by the occupants of the adjacent dwellings shall not be injured, in accordance with Policy GD5 of the High Peak Saved Local Plan

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Andy Ellis – Development Control Manager

Policies 2008.

15. In order that the amenities of the district shall not be injured, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

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17. In order that the amenities of the district shall not be injured, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

18. To ensure a satisfactory standard of development, in accordance with Policy GD4 of the High Peak Saved Local Plan Policies 2008.

Summary of reasons for granting permission

The decision to grant planning permission has been taken because the Council considers that the application has put forward a proposal which is considered to have an acceptable impact on existing town centres, has an acceptable highways impact, is visually appropriate and makes a positive contribution to the local economy.

The decision to grant planning permission has also been taken having regard to all other relevant material planning considerations and to the following relevant policies and proposals in the Development Plan.

POLICIES RELEVANT TO THIS DECISION

High Peak Local Plan Saved Policies
BC1 - External Materials
CF10 - Renewable Energy
EMP 6 - Industry and business within the built-up area boundaries and homeworking
GD2 - Built up area boundaries
GD3 - Improvement Corridors
GD4 - Character Form and Design
GD5 - Amenity
GD6 - Landscaping
GD12 - Unstable Land, Landfill and Contaminated Sites
LT11 - Canals and Canal basins
TC1 - Town Centres
TC2 - Town Centre Environment
TC4 - Large Stores which cannot be located in existing town centres
TC14 - Regeneration area at Hogs yard, Whaley Bridge
TR1 - Transport Implications of new development
TR3 - Local Road schemes
TR4 - Traffic Management
TR5 - Access, parking and design

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Andy Ellis – Development Control Manager

National Planning Policy
PPS4 – Sustainable Economic Development
PPS25 – Development and Flood Risk

Notes to Applicant

This application is subject to a Legal Agreement pursuant to s106 of the Town & Country Planning Act 1990

Pursuant to Sections 149 and 151 of the Highways Act 1980, the applicant must take all necessary steps to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g.; street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.
Where development has been approved subject to the preparation and implementation of a Travel Plan, the applicant is obliged to submit the appropriate documentation to the Local Planning Authority well in advance of the development being taken into use. Advice regarding the content of Travel Plans may be obtained from the Director of Environmental Services at County Hall, Matlock (tel: 01629 580000 and ask for the Transportation Section).
The application site is bordered by a public Right of Way (Footpath number 3, Whaley Bridge 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. Further advice can be obtained by calling 08456 058058 and asking for the Rights of Way Duty Officer.
Under the terms of the Water Resources Act 1991, and the Environment Agency's Land Drainage Byelaws , the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Goyt, designated a 'main river'. Consent is therefore required for any new surface water outfall structures into the river.

Plans
The plans to which this Notice refers are listed below:

Location Plan
P01A
P02
P03
P04
P11 Rev C
P12
P13 Rev A
P14 Rev A
CLDL/2224/01 Rev A
CHP Plant Technical Specification

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Andy Ellis – Development Control Manager

Please Note: This decision notice does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting the Councils Building Control Section on 0845 129 7777.

Any other statutory consent necessary must be obtained from the appropriate authority.

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, Derbyshire, County Council at County Hall, Matlock, Derbyshire, tel. 01629 580000.

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.

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.

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.

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period has been indicated in other conditions given.

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.

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4. 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 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.

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subsequently maintained during the life of the development hereby approved, unless otherwise agreed in writing by the LPA .

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18. The buildings environmental performance shall meet the requirements of BREEAM - "Very Good" , and within 6 months of completion a post construction stage certificate to confirm this rating shall be submitted to the Council and approved in writing, unless otherwise agreed by the LPA.

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.

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Andy Ellis – Development Control Manager

2. In the interests of visual amenity, in accordance with Policy GD4 (and Policies BC5 and BC8 in respect of developments in conservation areas/listed buildings) of the High Peak Saved Local Plan Policies 2008.

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Andy Ellis – Development Control Manager

Policies 2008.

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Summary of reasons for granting permission

The decision to grant planning permission has been taken because the Council considers that the application has put forward a proposal which is considered to have an acceptable impact on existing town centres, has an acceptable highways impact, is visually appropriate and makes a positive contribution to the local economy.

The decision to grant planning permission has also been taken having regard to all other relevant material planning considerations and to the following relevant policies and proposals in the Development Plan.

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Andy Ellis – Development Control Manager

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PPS25 – Development and Flood Risk

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Under the terms of the Water Resources Act 1991, and the Environment Agency's Land Drainage Byelaws , the prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the River Goyt, designated a 'main river'. Consent is therefore required for any new surface water outfall structures into the river.

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P02
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CHP Plant Technical Specification

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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, Derbyshire, County Council at County Hall, Matlock, Derbyshire, tel. 01629 580000.

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:
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(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.

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.

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.

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Andy Ellis – Development Control Manager