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High Peak Borough Council

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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 Mr Matthew Beddoe
Nestle Waters UK Ltd
C/o Agent

Agent Cass Associates
Studio 104
The Tea Factory
82 Wood Street
Liverpool
L1 4DQ

Application no. HPK/2010/0661

Registered on 15/12/2010

Determined on 16/05/2011

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

Construction of a bottling plant and associated warehousing together with external works. at Land to the East of Waterswallows Lane Buxton

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 period has been indicated in other conditions given.

2. The premises hereby approved shall be used and operated as a mineral water bottling plant with ancillary warehousing by Nestle Waters Ltd only, and for no other purpose.

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3. 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.

4. All planting, seeding or turfing comprised in the Landscape Implementation and Management Plan 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. Prior to the commencement of development on site, a Noise Management Plan as outlined in the submitted Noise and Air Quality Assessment shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

The scheme shall include attenuation measures to prevent the rating levels determined over a representative period from exceeding the pre-existing minimum background noise levels at the nearest residential properties (referenced R1 to R5) determined in accordance with BS4142:1997

In the case of R6, the rating level shall not exceed the pre-existing minimum background noise level by more than 3dB as specified in the document UN12203.9 table 2.4, determined in accordance with BS4142:1997. Noise attenuation measures shall be adequately maintained throughout the life of the development hereby approved. In addition, the plan shall include details of measures to reduce noise from HGV's and forklifts, including preventing engine idling noise and noise from reversing alarms and minimisation of noise breakout from buildings during operations, including management controls.

6. No construction work at the site shall take place outside the following hours:-

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.

7. If piling is necessary, a written method statement shall be submitted to the Local Planning Authority. No piling shall take place until the method statement has been approved.

8. a) No development shall take place until a Written Scheme of Investigation (WSI) for archaeological work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions;

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and

- The programme and methodology of site investigation and recording;
- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation

Nomination of a competent person or persons/organisation to undertake the works set out within the WSI

b) No development shall take place other than in accordance with the WSI approved under condition (a)

c) the development shall not be occupied until the archaeological site invesigation and post investigation assessment has been completed in accordance with the programme set out in the WSI approved under condition (a) and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.

9. 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.

10. Before any other operations are commenced (excluding demolition/ site clearance) a temporary access for construction purposes shall be formed to Waterswallows lane, laid out, constructed and provided with 2.4m x 215m visibility splays in either direction, or as agreed in writing with the Local Planning Authority.

11. Throughout the period of construction, vehicle wheel cleaning facilities shall be provided and retained within the site. All construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud or other extraneous material on the public highway.

12. New vehicular accesses shall be created to Waterswallows Lane, generally in accordance with the revised application drawings, laid out, constructed and provided with 2.4m x 215m visibility splays in either direction, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation)

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relative to adjoining nearside carriageway channel level. The accesses shall be fully completed in a timescale previously agreed in writing with the Local Planning Authority.

13. The premises hereby approved, shall not be occupied until the proposed new internal road system links to the public highway have been laid out in accordance with the application drawings and fully constructed.

14. The premises, the subject of the application, shall not be taken into use until space has been provided within the site curtilage for the parking, loading and unloading and manoeuvring of visitors, staff, customers, service and delivery vehicles (including secure covered cycle parking), laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

15. There shall be no gates of other barriers within 10m - north westerly access (staff car park) or 45m in the case of the HGV access, of the the nearside highway boundary and any gates shall open inwards only.

16. The development, the subject of the application, shall not be commenced until precise details of the intensity, direction, spread of luminance and shielding of light sources (so as to minimise the risk of drivers on the highway being dazzled), has been submitted to and approved in writing by the Local Planning Authority. The lights shall be installed in accordance with these details and maintained in conformity with the approved scheme.

17. No development shall commence until a survey for the presence of any Great Crested Newts at the site has been carried out, submitted to and approved in writing by the Local Planning Authority. The survey shall be carried out by a suitably qualified person approved in writing by the Local Planning Authority. If any evidence of any Great Crested Newts is found, then the report shall include measures for their protection during development and for the retention of existing or provision of alternative habitat. These approved measures shall be implemented in strict accordance with the approved details.

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. For the avoidance of doubt and in particular because of the special circumstances of the proposal.

3. 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

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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 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.

6. In order to protect the amenities of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

7. In order to protect the amenities of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

8. To enable the site's archaeological remains to be properly investigated and recorded, in accordance with Policy BC10 of the High Peak Saved Local Plan Policies 2008.

9. To ensure satisfactory service provision in the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

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

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

12. In order to provide adequate visibility from the site in the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

13. To ensure satisfactory service provision in the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

14. To ensure satisfactory service provision in the interests of highway safety, in accordance with Policy TR5 of the High Peak Saved Local Plan Policies 2008.

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

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

17. To safeguard wildlife in the interests of nature conservation.

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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 demonstrated that there are material considerations in favour of the development that outweigh any impact that the development may have on the countryside. These material considerations include:

1. Economic. The development is necessary for the upgrading and rationalisation of the current established business to a world class standard. The current site is constrained and cannot facilitate the expansion of the business. PPS4 encourages local planning authorities to support economic growth by ensuring that applications that secure economic growth are treated favourably.

2. Regeneration Opportunities. The proposal will remove HGV traffic from the centre of the town and will allow an opportunity for the redevelopment of a key site within Buxton town centre.

3. Location Requirements. There are no opportunities for the relocation of the firm to a site within the built up area boundary. The preferred location at Waterswallows Lane is considered the best possible option in terms of proximity to existing industry, ease of development, and existing access and infrastructure.

The proposed development will result in a building of a high quality design accompanied by an appropriate and comprehensive landscaping scheme. Other aspects – the effect of the development on ecology, the amenity of local residents and the local highway network have been assessed and it is considered that the proposal will not have any significant adverse impact.

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

EMP 7 - Industry and business in the countryside
GD1 - Sustainability and Development Control
GD4 - Character Form and Design
GD5 Amenity
GD6 Landscaping
OC1 - Countryside Development
OC4 - Landscape Character and Design
OC5 Development Conspicuous from the National Park
OC10 Trees and Woodland
TR5 Access Parking and Design

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Local Development Framework

Landscape Character SPD

National Planning Policy

PPS1 Delivering Sustainable Development
PPS4 Planning for Sustainable Economic Growth
PPS5 Planning for the Historic Environment
PPS7 Sustainable Development in Rural Areas
PPS9 Biodiversity and Geological Conservation
PPG13 Transport
PPG24 Planning and Noise
PPS25 Development and Flood Risk

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

3691.PL100
3691.PL101
3691.PL102
3691.PL103
3691.PL104.1
3691.PL104.2
3691.PL104.3
3691.PL104.4
3691.PL105
3691.PL106
3691.PL107
3691.PL108
3691.PL109
3691.PL110
3691.PL112.1
3691.PL112.2
3691.PL113.1
3691.PL113.2
3691.PL114
3691.PL115
3691.PL116
3691.PL117
3691.PL400
3691.PL410
3691.PL415

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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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Andy Ellis – Development Control Manager