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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 Kevin Thurlow
APH Industries Ltd
Unit 1, Tongue Lane Industrial Estate Dew Pond Lane
Fairfield
Buxton
SK17 7LF

Application no. HPK/2011/0206

Registered on 12/04/2011

Determined on 25/05/2011

Agent

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

Resubmission of HPK/2011/0051 for installation of new storage container to house gas-fired steam boiler and associated equipment, at Tongue Lane Industrial Estate, Dew Pond Lane, Fairfield, 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 colour of the storage container shall match that of the existing profiled steel building, unless otherwise agreed in writing with the Local Planning Authority.

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Andy Ellis – Development Control Manager

3. No discharges to atmosphere of any gaseous or particulate matter shall take place until full details of the gas fired steam boiler have been submitted to and approved in writing by the Planning Authority. The approved scheme shall be implemented before the use hereby permitted occurs and maintained thereafter.

4. The development hereby approved shall not commence until a noise control scheme has been submitted to and approved in writing by the Local Planning authority. The scheme shall include:

   a). A full acoustic survey to determine daytime and night time pre-existing background noise level at the nearest residential properties.
   b). Predicted noise levels from plant and equipment at the same location.
   c). Noise attenuation measures to prevent the rating level determined over a representative period of 1 hour during the day and 5 minutes during the night when the plans and equipment is in operation exceeding the pre-existing background noise level at the nearest residential proprieties, as determined in accordance with BS4142:1997.

   The approved scheme shall be implemented in full prior to the first use of the gas fired steam boiler.

5. Prior to the commencement of development details of the any chimney required in connection with the gas fired boiler shall be submitted to and approved in writing by the Local Planning Authority. The approved chimney details shall be implemented n full prior to the first use of the gas fired steam boiler.

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 (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 GD5 of the High Peak Saved Local Plan Policies 2008.

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

5. In order to protect the residential amenities of the area, in accordance with Policy GD5 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 would not harm the visual amenities of the locality or the residential amenities of the adjacent residential properties.

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Andy Ellis – Development Control Manager

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
EMP3 - Industry and business in the Buxton area
EMP 4 - Primary Employment Zones
EMP 5 - Open storage and processing
GD2 - Built up area boundaries
GD4 - Character Form and Design
GD5 - Amenity
TR5 - Access, parking and design

Notes to Applicant

1. The applicant is advised to contact Derbyshire County Council (Tel no. 01629 580000 and ask for the District Manager) prior to carrying our any excavation work in the vicinity of the public highway.

Plans
The plans to which this Notice refers are listed below:
01
02A

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

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Andy Ellis – Development Control Manager

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