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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 Edward Pearce
10 Rock Terrace
Buxton
SK17 6HN

Agent

Application no. HPK/2012/0711

Registered on 17/12/2012

Determined on 04/02/2013

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

Proposed Erection of Building with Associated Parking and Landscaping on Existing Commercial Yard. at Ladmanlow Yard Leek Road 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 building hereby arpproved shall be operated by Jet tec for business purposes within Class B1 of the Town and Country Planning Use Classes Order 2005 and for no other purpose.

3. 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 include the number, sizes and species of the proposed planting; the proposed finished levels or contours; means of

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Planning Applications Manager

enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials.

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. Noise arising from operations at the site shall not exceed the background noise level by more than 5dB, measured as a 1 hour LAeq for daytime measurements and a 5 minute Laeq for nightime measurements, at a noise sensitive property. Measurements should be undertaken in accordance with the procedures outlined in BS4142:1997.

6. No discharges to atmosphere of any gaseous or particulate matter shall take place, arising from the operation of any process or plant, unless in accordance with a scheme of atmospheric pollution control measures to be approved in writing by the Planning Authority. The approved scheme shall be implemented before the use hereby permitted occurs and maintained thereafter.

7. 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/ manoeuvring of visitors/ staff/ customers/ service and delivery vehicles located, and constructed in accordance with a scheme to be submitted to and agreed inwriting by the Local Planning Auithority prior to the commencement of development, and maintained throughout the life of the development free from any impediment to its designated use.

8. The premises shall not be open for business outside the hours 0730 and 1800 Mondays to Fridays; 0800 and 1600 hrs on Saturdays and at nop time on Sundays or Bank Holidays.

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 the amenity of the adjoining neighbours and in order to protect the character of the countryside from unwarranted development in accordance with Policies GD5 and OC1 of the adopted High Peak Local Plan 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.

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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 High Peak Saved Local Plan Policies 2008.

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

7. 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.

8. 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 Policies 2008.

Summary of reasons for granting permission

The proposal would provide additional and better facilities for an existing business at a historic industrial site. As such it constitutes development of a brownfield site and will provide economic benefit in line with advice in the National Planning Policy Framework. The proposal will not result in a significant loss of amenity for local residents nor have an unduly adverse impact on the visual amenity or character of the area.

INFORMATIVE:

During the course of the consideration of the application the Council sought clarification and amendment to ensure that the proposals and plans were accurate and that justification for the proposal was given. It is therefore considered that the proposals meet the provisions of paragraphs 186-187 of the NPPF.

POLICIES RELEVANT TO THIS DECISION

High Peak Local Plan Saved Policies

Archaeological and Other Heritage Features
EMP 7 - Industry and business in the countryside
GD4 - Character Form and Design
GD13 - Buxton Mineral Water
H13 - Replacement Dwellings in the Countryside
OC1 - Countryside Development
OC4 - Landscape Character and Design
OC6 - Agricultural Development

National Planning Policy Framework

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Planning Applications Manager

Notes to Applicant

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

Location Plan
LADMAN 05
1
2
3
4
5
6

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:

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(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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Planning Applications Manager

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