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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
WM Morrison Supermarket PLC
Hilmore House Gain Lane
Bradford
BD3 7DL

Agent
Smith Design Associates
16 Lynedoch Crescent
Glasgow
G3 6EQ

Application no. HPK/2010/0664

Registered on 15/12/2010

Determined on 18/04/2013

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

Extension of existing foodstore & amendment to car parking & associated facilities at Morrisons, Bakewell 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 materials of external construction shall match those used on the existing building in their colour, form and texture, unless otherwise agreed in writing with the Local Planning Authority.

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Michael Green
Planning Applications Manager

3. Prior to the commencement of development, a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the use of lighting and its impact on bat flight paths. Thereafter the approved details shall be installed and retained permanently.

4. Prior to the commencement of development, a working method statement and timetable of works to mitigate any adverse effects on statutorily protected reptiles shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

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. Throughout the period of construction within any phase 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.

7. The extension to the premises, the subject of the application, shall not be taken into use until the car parking (including secure, cycle parking) has been provided within the application site, in accordance with the application drawings, for the parking of staff / customers vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

8. The store shall operate generally in accordance with the Travel Plan submitted as part of the application or as otherwise agreed in writing with 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. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased with five years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

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10. (a) No development or other operations shall commence on site until the submitted tree protection measures as detailed in the Tree Report October/November 2010 have been installed. No development or other operations shall take place except in complete accordance with the approved protection scheme.

(b) No operations shall commence on site in connection with the development hereby approved (including demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.

(c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.

(d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

11. All planting, seeding or turfing comprised in the approved details of landscaping, plan ref M-BUXTON 20102010 Issue 2 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. 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.

12. Prior to the commencement of development, a method statement for the new retailing wall shall be submitted to an approved in writing by the Local Planning Authority. The details shall include the height and use of materials and the relationship to the approved landscaping. Thereafter the approved details shall be implemented prior to the first occupation of the extension, unless otherwise agreed in writing by the Local Planning Authority.

13. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;
(ii) an assessment of the potential risks to:
o human health,

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o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
o adjoining land,
o groundwaters and surface waters,
o ecological systems,
o archeological sites and ancient monuments;
(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

14. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

15. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

16. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 16, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 17.

17. 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.

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3. At any time on Sundays or Public Holidays except by agreement with the Local Planning Authority.

18. If piling is necessary, a written method statement shall be submitted to the Local Planning Authority. The method statement shall be in line with Environment Agency guidance (Environment Agency 2001), Piling and Penetrative Improvements on Land affected by Land Contamination NC/99/73). No piling shall take place until the method statement has been approved.

20. A scheme of dust suppression shall be submitted to include measures to prevent dust escaping from the site e.g. we suppression of dust during dry periods or cessation of activities during windy periods and measures to clean vehicle wheels as appropriate to prevent mud on the highway.

21. Prior to the commencement of development a surface water drainage scheme for the site based on sustainable drainage principles and as assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is first brought into use. The scheme shall also include the introduction of rainwater harvesting over and above the proposed attenuation volumes in section 5 of the submitted Flood Risk Assessment and details of how the scheme shall be maintained and managed after completion.

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 protected species and in accordance with paragraph 118 of the National Planning Policy Framework

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

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

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

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

9. To ensure the continued well-being of the trees in the interests of the amenity and environmental quality of the locality, in accordance with Policy GD5 and OC10 of the High Peak Saved Local Plan Policies 2008.

10. To ensure the continued well-being of the trees in the interests of the amenity and environmental quality of the locality, in accordance with Policy GD5 and OC10 of the High Peak Saved Local Plan Policies 2008.

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

12. In the interests of the visual amenities of the locality and in accordance with Policy GD4 of the High Peak Saved Local Plan Policies 2008.

13. To ensure that the site is developed in a safe manner in the interests of the amenity of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

14. To ensure that the site is developed in a safe manner in the interests of the amenity of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

15. To ensure that the site is developed in a safe manner in the interests of the amenity of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

17. To ensure that the site is developed in a safe manner in the interests of the amenity of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

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

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

20. To ensure that the site is developed in a safe manner in the interests of the amenity of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

21. To prevent the increased risk of flooding, to improve and protect water quality, habitat and amenity and ensure future maintenance of surface water drainage system and in accordance with paragraph 103 of the National Planning Policy Framework.

Summary of reasons for granting permission

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Michael Green
Planning Applications Manager

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 vitality and viability of Buxton Town Centre and would not harm the visual or residential amenities of the locality. Furthermore the development woud enhance the existing landscape and would not harm the safe operation of the highway.

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.

The Council entered into pre-application discussions with the applicant to secure a revised/improved scheme, as has been submitted and consequently approved. 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

BC1 - External Materials
GD2 - Built up area boundaries
GD3 - Improvement Corridors
GD4 - Character Form and Design
GD5 - Amenity
TC3 - Large Stores
TC4 - Large Stores which cannot be located in existing town centres
TR5 - Access, parking and design

National Planning Policy Framework
Paragraphs 17, 23, 24, 56-58.

Notes to Applicant

Where development has been approved subject to the 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).

Plans
The plans to which this Notice refers are listed below:
AL(0)01
AL(0)02
AL(0)03
AL(0)04
AL(0)05
AL(0)06
AL(0)07
AL(0)08

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Michael Green
Planning Applications Manager

AL(0)09
AL(0)10
AL(0)11
AL(0)12
AL(0)13
AL(9)01
AL(9)02
Tree Report October/November 2010
M-BUXTON-20102010 Issue 2

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.

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(b) Variation to the approved plans will require the submission of a new planning application.

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