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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
Aldi Stores
Agent HOW Planning
40 Peter Street
Manchester
M2 5GP

Application no. HPK/2013/0484

Registered on 27/08/2013

Determined on 25/11/2013

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

Proposed erection of a class A1 'discount' foodstore together with associated public realm, vehicular access, car parking, servicing area & hard & soft landscaping at Land Adjacent Foresters Way Chapel-En-Le-Frith

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. 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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Michael Green
Planning Applications Manager

High Peak Borough Council, Development Services, Municipal Buildings, Glossop, Derbyshire SK13 8AF
Tel 0845 129 7777 or 01298 28400 Fax 01457 860290 Minicom 0845 129 48 76
E-mail planning@highpeak.gov.uk Website www.highpeak.gov.uk

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a plan indicating the positions, design, materials and type of boundary treatment, including retaining walls internal to the site to be erected. The boundary treatment shall be completed before the use hereby permitted is commenced, or before the building is occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

4. No works shall take place on site until a measured survey of the site has been undertaken and a plan prepared to a scale of not less than 1:500 showing details of existing and proposed final ground level and finished floor levels from a specified bench mark has been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved plans.

5. Before any other operations are commenced (excluding demolition/ site clearance), space shall be provided within the site curtilage for the 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 development, the subject of the application, shall not be taken into use until space has been provided within the application site in accordance with the application drawings for the parking/ loading and unloading/ picking up and setting down passengers/ manoeuvring of visitors/ staff/ customers/ service and delivery vehicles (including secure cycle parking), laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

7. The premises, the subject of this application, shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable) for the provision of travel by sustainable modes which are acceptable to the Local Planning Authority, and shall be implemented in accordance with the timetable set out therein. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of the planning consent to the Local Planning Authority for approval for a period of five years from first occupation of the development.

8. 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;

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(ii) an assessment of the potential risks to:
- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- 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'.

9. 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.

10. 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.

11. 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 9, 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 10.

12. 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.

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13. 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.

14. Prior to the commencement of development including any site clearance, vegetation removal or enabling works, a detailed avoidance and mitigation methodology to protect reptiles from injury or harm, shall be submitted and agreed in writing by the Local Planning Authority, unless a detailed survey has been undertaken and submitted in writing, at an appropriate time of year which shows that reptiles are not present on the site. Any agreed Method Statement shall be implemented in full throughout the construction works.

15. No removal of hedgerows, trees or shrubs that may be used by breeding birds shall take place between the 1st March and 31st August inclusive, unless a survey has been undertaken to assess the nesting bird activity on site during this period, and details of measures to protect the nesting bird interest on the site, have first been submitted to and approved in writing by the Local Planning Authority and then implemented as approved.

16. No development shall take place until revised 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 enclosure; car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials and lighting where relevant.

17. No operations shall commence on site in connection with the development hereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority and the protective fencing is erected as required by the AMS.

The AMS shall include full details of the following:

a) Timing and phasing of Arboricultural works in relation to the approved development.

b) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works.

c) Details of a tree protection scheme in accordance with BS5837:2012 which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are shown to be retained on the approved plan and trees which are the subject of any Tree Preservation Order.

e) Details of any construction works, including changes in ground level, required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved

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Tree Protection Scheme

f) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the arboricultural method statement.

18. a) All tree felling and pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998: 2010 - Recommendations for Tree Works.

b) 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.

c) 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.

d) No development or other operations shall take place except in complete accordance with the approved protection

19. No operations shall commence on site in connection with the development hereby approved (including demolition works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the detailed design and construction method statement of vehicular drives, parking areas and other hard surfacing within the root protection area (as defined by BS5837:2012) has been submitted in writing and approved by the Local Planning Authority.

The design and construction must:

a) Be in accordance with the recommendations of BS5837:2012.

b) Include details of existing ground levels, proposed levels and depth of excavation.

c) Include details of the arrangements for the implementation, supervision and monitoring of works

20. 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 until the Local Planning Authority gives written consent to any variation.

21. Within the building hereby approved, no more than 950 sq metres of net sales area shall be used for the sale of convenience goods and no more than 250 sq metres of net sales area

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for the sale of comparison goods, unless otherwise agreed in writing by the Local Planning Authority.

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. To ensure adequate and appropriate treatment to all boundaries.

4. In the interests of the visual amenities of the site and the existing trees protected by a TPO and in accordance with Policy GD4 and OC10 of the High Peak Saved Local Plan Policies 2008.

5. 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.

6. 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.

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

8. 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 and paragraph 17 of the National Planning Policy Framework.

9. 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 and paragraph 17 of the National Planning Policy Framework.

10. 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 and paragraph 17 of the National Planning Policy Framework.

11. 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 and paragraph 17 of the National Planning Policy Framework.

12. In order to protect the amenities of the area, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008 and parapgrpah 17 of the National Planning Policy Framework.

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

14. In the interests of nature conservation and in accordance with paragrpash 109 and 118 of the National Planning Policy Framework.

15. In the interests of nature conservation and in accordance with paragrpash 109 and 118 of the National Planning Policy Framework.

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

17. In the interests of the existing landscape features and trees protected by a TPO and in accordance with Policy OC10 of the High Peak Saved Local Plan Policies 2008.

18. In the interests of the existing landscape features and trees protected by a TPO and in accordance with Policy OC10 of the High Peak Saved Local Plan Policies 2008.

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

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

21. In the interests of the vitality and viability of surrounding town centres and in accordance with paragraph 26 of the National Planning Policy Framework.

Summary of reasons for granting permission

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

BC5 - Conservation Areas
BC6 - Demolition in Conservation Areas

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EMP 4 - Primary Employment Zones
EMP 6 - Industry and business within the built-up area boundaries and homeworking
EMP 9 - Change of Use from Industry or business
GD2 - Built up area boundaries
GD3 - Improvement Corridors
GD4 - Character Form and Design
GD12 - Unstable Land, Landfill and Contaminated Sites
H13 - Replacement Dwellings in the Countryside
OC4 - Landscape Character and Design
OC6 - Agricultural Development
TC4 - Large Stores which cannot be located in existing town centres

National Planning Policy Framework

Section 1: Building a strong, competitive economy
Section 2: Ensuring the vitality of town centres
Section 4: Promoting sustainable transport
Section 7: Requiring Good Design
Section 12: Conserving and enhancing the historic environment.

Notes to Applicant

Plans
The plans to which this Notice refers are listed below:
0834MID - 099
0834MID - 100 Rev A
0834MID - 101 Rev A
0834MID - 102
0834MID - 103 Rev B
0834MID - 106 Rev C
0834MID - V103B
0834MID - V101A
VO834 L01

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

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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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Michael Green
Planning Applications Manager