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High Peak Borough Council

working for our community

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING AND COMPENSATION ACT 1991
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1995

FULL PLANNING APPLICATION

PERMISSION

Applicant Mrs Judith McKay
Riversvale House Riversvale
Buxton
SK17 6UZ

Agent

Application no. HPK/2010/0617

Registered on 24/11/2010

Determined on 19/01/2011

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

Change of use from A1 to winebar/bistro (sui generis) at 7 The Quadrant 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. Notwithstanding the details shown on drawing DR3 the first floor shall at no time be used by customers for the consumption of food or drink ; it shall only be used for ancillary storage, administration accommdation, toilet facilties and for staff welfare purposes.

3. The premises shall not be open for business outside the hours 0800 to 2300 on any day.

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Andy Ellis – Development Control Manager

4. Before the use hereby permitted begins, a scheme for the installation and colour of the equipment to control the emission of fumes and smell from the premises shall be submitted to, an approved in wiritng, by the Local Planning Authority and the approved scheme shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the maunfacturer's instructions.

5. Before the use hereby permitted begins, a detailed specification shall be submitted to and approved by the Local Planning Authority detailing the colour and noise output from the proposed air conditioning condenser units. All equipment installed as part of the specification shall thereafter be operated and maintained in accordance with the manufacturer's instructions.

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 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.

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

4. In order that the amenities of the district shall not be injured, in accordance with Policy GD5 and BC7 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 and BC7 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 that will not harm the character, vitality or viability of the town centre and surrounding conservation area. Conditions have been imposed to mitigate potential harm to neighbouring residential properties and occupiers as a result of noise and disturbance that may arise from the proposed use.

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.

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Andy Ellis – Development Control Manager

POLICIES RELEVANT TO THIS DECISION

High Peak Local Plan Saved Policies

BC1 - External Materials
BC5 - Conservation Areas
BC7 - Alterations and Extensions to Listed Buildings
GD4 - Character Form and Design
GD5 - Amenity
TC1 - Town Centres
TC12 - Prime retail Frontage

National Planning Policy
Planning Policy Statement 4: Planning for Sustainable Economic Growth.

Notes to Applicant

None

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

Location Plan
1
2
3
4

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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