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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 Neil Ward
59 Edensor Avenue
Fairfield
Buxton
SK17 7QL

Agent Betterplan Design Ltd
27 Wardle Court
Whittle le Woods
Chorley
PR6 7DQ

Application no. HPK/2012/0118

Registered on 20/03/2012

Determined on 15/05/2012

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

Change of Use from Craft Shop to Hot Food Takeaway at 5 Scarsdale Place 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 plan ref 314/SPB/PL Rev A, the finish on the flue shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the flue shall be installed in accordance with the approved details.

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Michael Green
Planning Applications Manager

3. The premises shall not open outside of the following times:
   11.30am-2.30pm
   5pm-11pm

4. The height of the flue shall be positioned 1m above the height of the existing eaves level on the building.

5. Notwithstanding the details shown on plan ref 314/SPB/PL Rev A, the flue shall not be fitted with any restriction at the outlet, such as a plate or cowl.

6. No discharges to the atmosphere of any gaseous or particulate matter shall take place until full details of the siting and design of an odour control and ventilation system for the cooking equipment to be installed has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to the first occupation of the use hereby approved.

7. The extract ventilation system for the cooking equipment shall be fitted with effective silencers in accordance with an acoustic specification to be agreed in writing by the Local Planning Authority. The approved silencers shall be installed prior to the first occupation of the use hereby approved and subsequently maintained.

8. The extraction system serving the cooking equipment shall incorporate anti-vibration mounts and flexible couplings to prevent structure -borne noise.

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 visual amenities of the Conservation Area and in accordance with Policies BC1 and BC5 of the adopted High Peak Saved Local Plan Policies 2008.
3. In the interests of amenity, in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.
4. In the interests of residential amenity and in accordance with Policies GD5 and TC9 of the adopted High Peak Saved Local Plan Policies 2008.
5. In the interests of residential amenity and in accordance with Policies GD5 and TC9 of the adopted High Peak Saved Local Plan Policies 2008.
6. In the interests of residential amenity and in accordance with Policies GD5 and TC9 of the adopted High Peak Saved Local Plan Policies 2008.
7. In the interests of residential amenity and in accordance with Policies GD5 and TC9 of the adopted High Peak Saved Local Plan Policies 2008.
8. In the interests of residential amenity and in accordance with Policies GD5 and TC9 of the adopted High Peak Saved Local Plan Policies 2008.

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Planning Applications Manager

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 is considered to be an appropriate town centre use and would not harm either the residential amenities of surrounding neighbouring properties or the character and appearance of the Conservation Area.

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
BC5 - Conservation Areas
BC10 - Archaeological and Other Heritage Features
GD2 - Built up area boundaries
GD4 - Character Form and Design
GD5 - Amenity
TC1 - Town Centres
TC9 - The Evening Economy Pubs, Clubs and takeaways

National Planning Policy Framework

Notes to Applicant

1. In respect of condition 2 the applicant is advised that the finsh of the flue should be stove enamelled in either a stone or dark brown/black finish

2. With respect to condition 6, a high level odour control will be required for an activated carbon system with a 0.4s-0.8s residence time preceded by grease filters and a pre-filter.

3. With respect to condition 7 the noise from the kitchen extract system in terms of arting shall not exceed the pre-existing background level ref BS4142:1997 as assessed at the nearest noise sensitive properties.

Plans
The plans to which this Notice refers are listed below:
Location Plan
314/SPB/PL A

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Michael Green
Planning Applications Manager

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

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Michael Green
Planning Applications Manager