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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 (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010

FULL PLANNING APPLICATION

PERMISSION

Applicant Mr Suraj Shah
The Gherkin Sandwich & Coffee Shop Ltd
The Gherkin 90 Low Leighton Road
New Mills
SK22 4JG

Agent John F Lomas M.R.I.C.S M.B.Eng
Rothbury Chapel Road
Hayfield
SK22 2JF

Application no. HPK/2012/0514

Registered on 17/09/2012

Determined on 29/10/2012

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

Proposed Change of Use - Premises to be used as a Wine Bar in the evening. (Daytime use as a Cafe & Sandwich Bar will remain unchanged). at 90 Low Leighton Road New Mills

in accordance with the submitted application, details and accompanying plans listed below subject to the following conditions and reasons:-

Conditions

1. The use authorised by this permission shall be discontinued on the expiration of a period of 12 months from the date of this permission.

2. The use hereby permitted shall not be open for business and there shall be no customers on the premises outside the hours of 08.00hours to 24.00hours Monday to Saturday and 8.00hours to 23.00hours on Sundays or Bank Holidays.

.....
Michael Green
Planning Applications Manager

3. Notwithstanding the opening hours specified in Condition 2 above. The external seating area shall not be used for the consumption of drinks at anytime outside of the hours of 0800hours to 2200hours on any given day.

4. Within 28days of the date of this consent a waste management plan for the disposal of waste from the site, including the disposal of glass/bottles shall be submitted to and agreed in writing with the Local Planning Authority. The agreed plan shall be implemented with immediate effect and operated thereafter in accordance with the approved details.

Reasons

1. To allow the impact of the development on residential amenity to be assessed in accordance with Policy GD5 of the High Peak Saved Local Plan Policies 2008.

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

3. 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.

4. 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 decision to grant planning permission has been taken because the Council considers that the application has put forward a proposal which is an appropriate use in this locations subject to conditions to limit any undue impact on residential occupiers.

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

EMP 6 - Industry and business within the built-up area boundaries and homeworking
GD2 - Built up area boundaries
GD5 - Amenity
TR5 - Access, parking and design

National Planning Policy Framework

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Michael Green
Planning Applications Manager

Notes to Applicant

None

Plans

The plans to which this Notice refers are listed below:

Location Plan
12.9/1
12.9/2

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.
(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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