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Ms Karen Taylor
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02 December 2013

EPP ref: L4-9152-RG-bp

Contact: Rawdon Gascoigne
Direct dial: 01625 442796
RawdonGascoigne@emeryplanning.com

By e-mail only to: Karen.Taylor@highpeak.gov.uk

Dear Ms K Taylor

RE: PLANNING APPLICATION NO. HPK/2013/0596 - GHERKIN SANDWICH & COFFEE SHOP, 90 LOW LEIGHTON ROAD, NEW MILLS, HIGH PEAK, SK22 4JG

We write in response to your e-mail to my colleague, Ben Pycroft on 25th November 2013.

Highways Proposals

Please find enclosed a copy of the proposed highways works, which is referred to in paragraph 5.17 of the Planning, Design and Access Statement.

Land Ownership

In addition to the building, the Applicant also owns part of the land to the west, which forms an access road. Please find enclosed an amended site location plan and a copy of the plan from the title.

Access Rights

Mr Kemp's solicitors' letter explains that Mr Kemp has access rights over the access passageway.

Proposed parking space

Paragraph 5.13 of the Planning, Design and Access Statement explains that one parking space is proposed to the front of the property. The kerb is dropped to allow access to this space. Please find enclosed a photo, which shows this.

Potential additional parking space to the rear

Paragraph 5.13 of the Planning, Design and Access Statement also explains that at the time the application was submitted, it was unclear who owned the remaining part of the land (outside of the Applicant's Father's ownership) required to form an additional parking space to the rear. It is now known that Mr S Lomas (who runs the Tool Hire business) owns this land. This space is not proposed as part of the application. Instead, this area within the Applicant's control would be used for the storage of bins.

Other parking issues

We understand from our client that during your site visit, a car was parked on the double yellow lines outside of the premises. We also understand that this vehicle is owned and driven by a Blue Badge Holder (a customer of the sandwich bar). As you are aware, Blue Badge Holders are allowed to park on double yellow lines for up to 3 hours and this was not therefore any evidence of unauthorised or problem parking. It was entirely reasonable.

Summary

In summary, our client has the ability to provide some off road parking, which we can confirm will not interfere with Mr Kemp's rights as a neighbouring landowner. In addition, the Highway Authority is looking at relaxing current on-road parking restrictions which suggests they do not consider there to be a significant ongoing problem in this location. Notwithstanding this, the information submitted with the application and the subsequent letters submitted in support of the application indicate that the vast majority, if not almost all customers visit the premises by means other than by private car. This is a logical pattern for this type of establishment.

Whilst we are not yet in receipt of the Highway Authority's formal response, the absence of any record of either persistent complaint or parking problems suggests that the temporary period of operation has fulfilled its purpose and demonstrated that the use can continue and benefit further formal consent. In line with the advice within the NPPF, the absence of any significant and demonstrable harm, permission should be granted.

Consultation responses

Please could you forward a copy of the consultation responses to us?

We trust that this letter confirms the position and look forward to confirmation that the application will receive a positive recommendation.

Yours sincerely
EMERY PLANNING PARTNERSHIP LTD

Rawdon Gascoigne BA (Hons) MRTPI
Director

Enc Copy of plan showing the proposed highway works
Amended site location plan
Copy of the plan from the Title Plan
Photo showing the extent of the dropped kerb

Cc Client
Nick Knowles