

Mr Simon Jones  
SJ Design Ltd  
Church Street  
Hayfield  
High Peak  
SK22 2JE



# High Peak Borough Council

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Mr Simon Jones  
SJ Design Ltd  
Church Street  
Hayfield  
High Peak  
SK22 2JE

Mrs Longson  
65 Primrose Terrace  
Glossop  
SK13 8EJ

Application no: HPK/2018/0137

Determined on: 31<sup>st</sup> August 2018

## Town and Country Planning Act 1990 Town and Country Planning (Development Management Procedure) (England) Order 2015

### FULL PERMISSION FOR DEVELOPMENT

This permission does not carry any approval or consent which may be required under any enactment, bylaw, order or regulation (e.g. in relation to Building Regulations or the Diversion of Footpaths etc) other than Section 57 of the Town and Country Planning Act, 1990 (as amended).

#### Location of Development:

14 New Mills Road Hayfield Derbyshire SK22 2JG

#### Description of Development:

Change of use from Domestic Dwelling to a cafe with no external or internal alterations

In pursuance of their power under the above mentioned Act, High Peak Borough Council Planning Authority, **HEREBY GRANTS PLANNING PERMISSION** for the development described above subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 100A and 200A.

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

3. The use hereby permitted shall only take place between the hours of 09:00am and 17:00 pm from Mondays to Saturdays and between 10:00am and 16:00pm on Sundays and Bank or Public Holidays.





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Reason:- To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area, in accordance with Policy EQ6 of the High Peak Local Plan 2016 and Section 12 of the National Planning Policy Framework.

4. No sound-amplifying equipment, loudspeaker, public address system shall be installed/operated or music played outside the premises hereby approved or within its curtilage.

Reason:- To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area, in accordance with Policy EQ6 of the High Peak Local Plan 2016 and Section 12 of the National Planning Policy Framework.

5. Prior to the use hereby permitted commencing, flue extraction equipment shall be installed with a slate vent to control the emission of fumes and odour from the premises. The efflux velocity at the flue terminus shall be maintained at a speed calculated at not less than 9.0 m/s to ensure effective dispersion and dilution of odours. Calculations shall be undertaken using the formula -  $H = 3W.d/U$ , where, H is the effective stack height, W (m/s) is the efflux speed at the chimney top, U (m/s) is the wind speed at the height of the stack and d (m) is the internal diameter of the stack. The flue extraction equipment shall thereafter be retained and maintained in working order for the lifetime of the development.

Reason:- To ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected in accordance with Policies EQ6 and EQ10 of the High Peak Local Plan 2016 and Section 12 of the National Planning Policy Framework

6. Any extractor flue shall be vented to the rear roof slope by means of an "in-line" Slate Vent fitting only.

Reason:- To preserve the setting and architectural and historical integrity of the listed building and preserve the character and appearance of the conservation area in accordance with Policy EQ7 of the High Peak Local Plan 2016 and Section 16 of the National Planning Policy Framework.

### **Informative**

During the course of the consideration of the application the Council sought amendments to the proposals to ensure that the premises were suitable for the carrying out of an A3 use. It is therefore considered that the proposals meet the provisions of paragraph 38 of the NPPF.

1. The applicant is advised that the intensification of hot food preparation may require the installation of a flue under environmental health legislation. Should operations on site be deemed to require the installation of a ventilation and extraction system other than the type





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of commercial kitchen extractor fan (the details of which have been submitted) planning consent and Listed Building Consent would be required for such equipment.

X *B.J. Haywood*

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Signed by: Ben Haywood

**On behalf of High Peak Borough Council**



## **NOTES**

1. Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting the Councils Building Control Section.
2. 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 at Derbyshire County Council.
3. 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](http://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.
4. 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.
5. 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.
6. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
7. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority's decision then you must



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do so within 12 weeks of the date of this notice. All other types of development have a 6 month deadline for submission of appeals. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <https://www.gov.uk/appeal-planning-inspectorate#other-ways-to-apply>. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

8. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.