

Katherine Wright
Architecture Design Ltd
Fitted Rigging House Main Gate Road
ME4 4TZ



High Peak Borough Council

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Fitted Rigging House Main Gate Road
ME4 4TZ

Mr Patel
10 Brightside Lane
Sheffield
S9 3YE

Application no: HPK/2020/0552

Determined on: 14/07/2021

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:

85 Spring Gardens Buxton Derbyshire SK17 6BP

Description of Development:

Change of use of the rear of a fast food restaurant to a 1 bed dwelling

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: Location Plan (Ref: 02.1); Ceiling Detail (Ref: 03.1 Rev 01); Proposed GA Plan (Ref: 04.1); Proposed External Elevations (Ref: 05.01 Rev 02).

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

3. The development hereby approved shall be occupied by no more than one person at all times and for the lifetime of the development.

Reason:- In order to provide a high standard of residential amenity for future occupiers in accordance with Local Plan Policy H3

4. Prior to the first occupation of the development hereby permitted the development shall be constructed in accordance with the approved scheme of sound insulation (Ref:





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Ceiling Plan 105.34/03.1 Rev 01) designed to achieve an airborne sound insulation value of no less than 53 DnT,w+Ctr dB. The scheme shall be installed in accordance with manufacturers and its designers' instructions and maintained in use for the life of the development.

Reason:- In the interests of preserving the residential amenity of future occupiers of the approved dwelling in accordance with Local Plan Policies EQ6 and EQ10 and paragraphs 127 and 180 of the NPPF.

5. The development hereby approved shall be carried out strictly in accordance with the flood resilience measures identified in the Flood Risk Assessment by STM Environmental dated 27/01/2021.

Reason:- In the interest of protecting future occupants from flood risk and in accordance with Policy EQ11 of the High Peak Local Plan 2016.

Informative

1. The Local Planning Authority has where necessary worked in a proactive and positive manner with the applicant to address outstanding planning issues to achieve sustainable development in line with paragraph 38 of the NPPF.
2. The applicants attention is drawn to the recommendations of the Flood Risk Assessment which recommends that future occupiers should sign up to the Environment Agencys Flood Warning Direct Service.

X 

Signed by: Jane Colley Signature

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 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.

