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Application no: HPK/2021/0116

Determined on: 1st October 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:

The Old Pump House 1 George Street Buxton Derbyshire SK17 6AY

Description of Development:

Change of use of former office/stores to bar/restaurant with deli

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: Site 01 Block Plan, Site 01 Site Location Plan, 04 Roof Plan and Rear Sectional Elev' As Proposed, 03 Joist Plan and Sections as Proposed, 05 Ground Floor Base Plan and Sections, 02 First Floor Plan and Sections as Proposed, 01 Ground Floor Plan & Front Elevation as Proposed, 06 Rear and Sectional Elevation for Vent System, and 'Proposed Kitchen Installation' layout provided by Adapt.

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 not be open to customers other than between the hours of 08:00 to 00:00 on any day.

Reason:- To ensure that the residential amenities that occupiers can reasonably expect to





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enjoy are adequately protected in accordance with Policy EQ6 of the High Peak Local Plan 2016 and paragraph 130 of the National Planning Policy Framework.

4. The kitchen extraction system shall not be operated outside of the hours 08:00 to 22:00

Reason:- To ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected in accordance with Policy EQ6 of the High Peak Local Plan 2016 and paragraph 130 of the National Planning Policy Framework.

5. The kitchen extraction system hereby approved shall be installed in accordance with the approved scheme for the reduction of environmental noise set out in:

- Peak Acoustics, ""Noise Impact Assessment - The Old Pump House, George Street, Buxton"" (ref: KD0709213NR Rev 1.0); dated 30th September 2021

and shall thereafter be maintained for the life of the development.

The rating level of sound emitted from the kitchen extraction system shall not exceed 41 dBA when measured at 1m from the façade of a noise sensitive premises. All measurements, calculations and corrections shall be made in accordance with the methodology of BS4142: 2014 ""Methods for rating and assessing industrial and commercial sound"" and/or its subsequent amendments. Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the sound sensitive property.

Reason:- To ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected in accordance with Policy EQ6 of the High Peak Local Plan 2016 and paragraph 130 of the National Planning Policy Framework.

6. Prior to the use hereby permitted commencing, a system of high level odour control consistent with EMAQ Industry Guidance (""Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018)"") shall be fitted to the kitchen extract ventilation system. All equipment installed as part of the odour control system shall thereafter be operated and maintained to ensure continued compliance with EMAQ (2018) and in accordance with the manufacturer's instructions.

Reason:- To ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected in accordance with Policy EQ6 of the High Peak Local Plan 2016 and paragraph 130 of the National Planning Policy Framework.

7. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in strict accordance with those set out in the application and the submitted drawings, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To ensure that the external appearance of the development is appropriate to its surroundings and the Conservation Area within which it would be located, in accordance with Policies EQ6 and EQ7 of the High Peak Local Plan 2016 and the National Planning Policy Framework.





Informative

1. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraph 38 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

2. Environmental Health advisories

Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

- Any approved noise scheme and measurements should pay due regard to British Standard BS8233: 2014 Sound insulation and noise reduction for buildings (Guidance Document), BS4142 Methods for rating and assessing industrial and commercial sound and the Building Regulations 2010 Document E or other appropriate guidance.
- Advice on controlling flies and light can be found in: Statutory Nuisance from Insects and Artificial Light (DEFRA 2005) available as a free download <http://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/statnuisance.pdf>
- A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition of the existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements: <http://www.hse.gov.uk/>
- During any demolition and construction activities (including landscaping) the contractor shall take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.
- The control of dust and emissions from construction and demolition Best Practice Guidance, produced by the greater London councils <http://www.london.gov.uk/sites/default/files/BPGcontrolofdustandemissions.pdf>
- Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456)
- If required, contamination risk assessments shall be carried out in accordance with UK policy and with the procedural guidance relating to the contaminated land regime, and should be in accordance with the National Planning Policy Framework and DEFRA Land Contamination Risk Management (LCRM) guidance.
- Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.
- The Local Planning Authority will determine the acceptability of reports on the basis of



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the information made available to it. Please be aware that should a risk of harm from contamination remain post development, where the applicant had prior knowledge of the contamination, the applicant is likely to be liable under Part II (a) of the Environmental Protection Act 1990 and as such become an "appropriate person". In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.

- Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this, the applicant or those acting on behalf of the applicant will be liable under part II (a) of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.
- During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public property and the environment are protected against noise, dust, odour and fumes
- The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of in an appropriately licensed landfill site.
- High Peak Borough Council is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is forwarded to the Environmental Protection Department and agreed in principle prior to site investigation works being undertaken. The Environmental Protection Department is also prepared to review draft copies of reports prior to final submission to the Planning Department in order to ensure that works undertaken are sufficient to discharge the contaminated land conditions.

X *B.J. Haywood*

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 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.

