

Mrs Cat Kassim
Planmart Ltd
George Street
Glossop
Derbyshire
SK13 8AY



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Mrs Cat Kassim
Planmart Ltd
George Street
Glossop
Derbyshire
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Mr Moheb-Noveree
39 Station Road
Hadfield
Glossop
SK13 1DB

Application no: HPK/2021/0097

Determined on: 24/12/2021

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:

39 Station Road Hadfield Glossop Derbyshire SK13 1DB

Description of Development:

Maintaining use as hot food takeaway following application HPK/2017/0416

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 shall be retained in accordance with the approved plans: Site Location Plan, Site/Block Plan, Proposed Floor Plan, D4-AO-J89 Rear Elevation, J89-D3-A3 Side Elevation, J89-D2-A3 Proposed Floor Plan for Extract Ventilation.

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

2. Odour abatement measures shall be fitted to the mechanical ventilation system, consistent with the submitted technical report (Far East Kitchen Solutions, Planning consent information: Mechanical ventilation system, dated 17 December 2017) and shall be maintained as such for the life of the development. For the avoidance of doubt, the ventilation system shall employ the galvanised flue indicated in red on the approved plans and no other external ventilation systems shall be employed unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect local amenity with regard to cooking odours in accordance with local plan policy EQ 6





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3. The maximum noise level emitted from the extract flue shall not exceed a noise rated level of 45dB when measured at (or calculated for) 1m from the facade of any window or door of any current residential property. The measurements and assessments shall be made in accordance with BS 4142:2014

Reason:- In the interests of residential amenity.

4. The flue shall not be fitted with any restriction at the outlet, such as a plate or cowl.

Reason:- In the interests of residential amenity.

5. The use hereby permitted shall not be open to customers other than between the hours of:

17:00 to 22:30 hours on Monday to Friday, and

17:00 to 22:30 on Saturday and

17:00 to 22:00 on Sundays or Public Holidays.

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

6. The external flue as detailed in the document titled Mechanical ventilation system, dated 17 December 2017 shall be painted matt black.

Reason:- In the interests of the visual amenity of the street scene and neighbouring properties and in accordance with Policy EQ6 of the High Peak Local Plan 2016.

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.

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council

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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.

