



High Peak Borough Council
working for our community

Miss Anita Lorenzo
The Marjorie
Off Moor Lane
Billington
BB7 9NY

Application no: HPK/2022/0428

Determined on: 10/02/2023

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:

Unit Attached to One Stop Stores, Melandra Castle Road, Gamesley, Glossop, Derbyshire,
SK13 6UQ

Description of Development:

Change of use from shop-A1 to takeaway Pizza Shop-Sui Generis

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 the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2. Unless required by other conditions, the development hereby approved shall be carried out in complete accordance with the submitted plans and specifications as follows:-

Site Location Plan
2239/01 – Proposed Plan
2239/02 – Proposed Elevations
2239/03 – Existing Elevations
2239/04 – Existing Floor Plan
2239/05 – Block Plan

P O Box 136 Buxton SK17 1AQ
Phone 0845 129 77 77 or 01298 28400 Fax 01298 27639 Minicom 0845 129 48 76
E-mail customer-services@highpeak.gov.uk Website www.highpeak.gov.uk
Mobile Text No. 078 0000 2262





Reason:- To ensure that the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.

3. Prior to the installation of the extraction system, full details of its design, appearance (including colour), location and specifications shall be submitted to the Local Planning Authority for written approval. The extraction system shall be installed in complete accordance with the approved details prior to first use of the premises and shall thereafter be maintained.

Reason: To ensure that the design of the extraction system is appropriate.

4. Prior to the use hereby permitted commencing, a scheme for the installation of equipment to control the emission of fumes and odour from the premises shall be submitted to and approved in writing by the local planning authority. The scheme shall demonstrate compliance with, and be consistent with EMAQ Industry Guidance, "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2018)". The approved schemes shall be implemented in full before the use is first brought into use. All equipment installed as part of the odour control scheme shall thereafter be operated and maintained to ensure compliance with EMAQ (2018) and in accordance with the manufacturer's instructions.

Inlet ventilation provision shall be of an adequate capacity, capable of achieving 40 air changes per hour in the kitchen and connected to a variable fan speed control switch.

Reason: To ensure that the amenity of residential properties is not adversely affected.

5. Prior to the use hereby permitted commencing, a report detailing the noise emissions from the proposed extract ventilation system shall be submitted to the Local Planning Authority for approval. This shall incorporate noise assessment and monitoring undertaken inline with BS4142.

Where significant loss of amenity is identified in the approved report the cooking equipment extract shall be fitted with effective silencers in accordance with an acoustic specification to be agreed with the Local Planning Authority. The approved silencers shall be installed prior to commencement of the use of the development hereby approved and subsequently maintained.

The extraction system serving cooking equipment shall incorporate anti-vibration mounts and flexible couplings to prevent structure-borne noise to adjoining occupiers.

Reason: To ensure that the amenity of residential properties is not adversely affected.

6. Prior to first operation of the use hereby approved, a scheme for customer waste management shall be submitted to the local planning authority for written approval. The scheme shall include details of the location and design of waste bins to be installed at the site. The scheme shall be implemented in full prior to the first use of the development hereby permitted and thereafter retained for the lifetime of the



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development.

Reason: To ensure that the impact of the development, through littering, is minimised.

7. The use hereby permitted shall only take place between the hours of:

0700 - 2200 Mondays to Saturdays,
0900 – 2200 on Sundays, Bank and Public Holidays.

The use shall operate in strict accordance with the approved hours and shall not be varied unless otherwise agreed, by planning application, to the Local Planning Authority.

Reason: To ensure that the amenity of residential properties is not adversely affected.

Informative

1. In accordance with paragraph 38 of the NPPF (2021) the Council approach decision-taking in a positive way by taking a proactive approach to development proposals. In this instance the application proposals were acceptable without amendment and the scheme has been approved without delay.

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.

