

## DELEGATED DECISION REPORT

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HPK/2023/0062  
VALID 10/02/2023

3 5, HIGH STREET EAST,  
GLOSSOP, DERBYSHIRE,  
SK13 8DA

VARIATION OF CONDITION 5  
RELATING TO HPK/2021/0520  
(FULL - MINOR)

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### MAIN ISSUES

- **Impact upon Residential Amenity**

### DESCRIPTION OF SITE

The application site lies within the settlement boundary for Glossop as defined by the Local Plan policies map. The application site is located within the Town Centre boundary for Glossop and is identified as forming part of a primary frontage. The site lies within the Norfolk Square Conservation Area.

Planning permission has been granted, under HPK/2021/0520 for the change the use of the building (comprising two units) from use as a nightclub, restaurant and offices, to Class E. Approval was granted on condition that the use was limited to exclude any uses falling within Use Class E) g) ii) or iii), in the interest of avoiding uses which would be inappropriate within the town-centre context, which could otherwise be undertaken without a further planning permission following approval of the change to Class E.

The site is surrounded at the west side by mostly commercial buildings (there appears to be one dwellinghouse), and by shop and a bar at nos 7 and 9 High Street East to the east. The site is adjoined to the rear by the rear part of no. 12 Norfolk Square, a bar/restaurant. There is an apartment building (Moorside) on Ellison Street to the north-east of the site.

### PROPOSAL

The application seeks to vary condition 5 attached to planning permission HPK/2021/0520. Condition 5, as originally attached, stated:

*The hours of operation of the uses hereby approved shall be limited to those specified in the application, being:*

*Monday to Friday: 0800-2000  
Saturday: 0900-2000  
Sunday: 1000-1700*

*Reason: In the interest of protecting the amenity of nearby residential occupants in accordance with policy EQ 6 of the High Peak Local Plan.*

The application indicates that the request is to modify the opening hours as follows:

Monday to Thursday 08.00am to 11.00pm  
Friday and Saturday 08.00am to 01.00am  
Sunday 08.00am to 11.00pm

Planning permission has previously been granted, under HPK/2022/0505, to extend the later opening times, although this current application does not seek to vary that later permission. The only difference between this current application and 2022/0505 is that opening times are proposed from 8am Monday to Sunday, rather than the approved 10am.

## **RELEVANT LOCAL AND NATIONAL PLANNING POLICIES**

### **High Peak Local Plan (Adopted 2016)**

S 1 Sustainable Development Principles  
S 1a Presumption in Favour of Sustainable Development  
S2 Settlement Hierarchy  
S4 Maintaining and Enhancing an Economic Base  
S5 Glossopdale Sub-area Strategy  
E1 New Employment Development  
EQ 6 Design and Place Making  
EQ 7 Built and Historic Environment  
CF 1 Retail and Town Centres  
CF 6 Accessibility and Transport

### **Supplementary Planning Guidance/Documents**

Residential Design (2005)  
High Peak Design Guide (2018)

### **National Planning Policy Framework**

Paragraph 11 The Presumption in Favour of Sustainable Development  
Section 4 Decision-making  
Section 6 Building a strong, competitive economy  
Section 7 Ensuring the vitality of town centres  
Section 9 Promoting sustainable transport  
Section 12 Achieving well-designed places  
Section 16 Conserving and enhancing the historic environment

## **SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

HPK/2022/0505 - Variation of condition 5 relating to HPK/2021/0520 – Approved – 06/02/23

HPK/2021/0520 - Change of use of former night club and restaurant with first floor offices to class e use - commercial, business & service – Approved - 08/07/2022

## **CONSULTATIONS**

### **Publicity**

Site Notice expiry date: 06/04/23  
Neighbour consultation period ends: 16/03/23  
Press Advert: 16/03/23

### **Public Comments**

None received

### **Town / Parish Comments**

N/A

### **DCC Highways**

There are no highway authority objections to the variation of condition 5 as applied for.

### **HPBC Conservation Officer**

I don't foresee any issues from a heritage perspective

## **OFFICER COMMENTS**

### **Principle of Development**

The principle of development has been established under the original consent to change the use of the property. The application proposes a variation to the opening times condition. The reason for that condition was to protect residential amenity. The impact upon amenity is therefore considered to be the primary consideration in this instance. No issues relating to design, the conservation area or highway safety would arise in this instance.

### **Amenity**

Policy EQ6 requires development achieve a satisfactory relationship to adjacent development and not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity. Whilst not specifically cited in Policy EQ6, the impact from noise and disturbance is considered to be a relevant consideration.

The proposed variation to the planning condition seeks to alter the opening hours of the proposed use both in the evening and in the morning. The later opening hours have been previously considered to be acceptable under planning permission HPK/2022/0505, subject to a condition relating to the opening of doors. There is no reason to consider these later opening hours to be unacceptable.

The proposed earlier opening hours seeks to allow the premises to be open at 08:00am on each day. While no comments from Environmental Health have been received, it is not considered that 08:00am opening on Saturday and Sunday would be unreasonable or result in adverse impacts upon residential amenity given the town centre context of the site. It is noted that under 2022/0505 an additional condition was imposed requiring that all window and external doors be closed after 10pm or at any time when live music, recorded music is played or when any regulated entertainment (as defined under the Licensing Act 2003) take place. It is considered that this condition should also be imposed on any consent given that there are occupants to the north east of site in an apartment building.

## **CONCLUSION / PLANNING BALANCE**

It is considered that the proposals would accord with the policies contained within the Development Plan and guidance within the NPPF, and as such it is recommended that the application be approved.

**OFFICER RECOMMENDATION:      APPROVE**

**Case Officer: Declan Cleary**

**Recommendation Date: 06/04/23**

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Signed by: Jane Colley Signature

**On behalf of High Peak Borough Council**