

DELEGATED DECISION REPORT

HPK/2023/0202
Valid 03/07/2023

**24, HENRY STREET,
GLOSSOP, DERBYSHIRE,
SK13 8BW**

**VARIATION OF CONDITION 4
(OPENING TIMES) OF
HPK/2022/0387, AMENDED TO
05:45-22:00 MONDAY-SUNDAY
INCLUSIVE**

(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Neighbour Amenity

DESCRIPTION OF SITE

The application site comprises a commercial unit located in the centre of Glossop, adjacent to the train and bus stations. The site lies within the Norfolk Square Conservation Area, the built-up area boundary of Glossop and Glossop Town Centre, as defined in the High Peak Local Plan.

Planning permission was granted recently for the change of use to a coffee shop/café and external alterations to the unit which was previously operating as an ice cream parlour.

PROPOSAL

Full planning permission was approved earlier this year for the change of use to a coffee shop/ café and a standard opening hours condition was attached to this permission in line with the hours proposed on the application form submitted alongside the application.

Following further negotiation during the lifetime of this S73 application, permission is now sought for a variation to condition no. 4 as follows:

Condition no. 4 as existing:

The use hereby approved shall be restricted to only take place between the following times:

Monday – Friday inclusive, 0900-1700

Saturday, 0900-1700

Sundays and Bank Holidays, 1000-1600

Reason:- In the interests of neighbouring amenity and to comply with policy EQ6 of the High Peak Local Plan 2016 and the NPPF (2019).

Condition no. 4 as proposed:

The use hereby approved shall be restricted to only take place between the following times: Monday – Sunday inclusive, 0545-2200

Reason:- In the interests of neighbouring amenity and to comply with policy EQ6 of the High Peak Local Plan 2016 and the NPPF (2019).

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the adopted High Peak Local Plan 2016.

High Peak Local Plan 2016

- S 1 Sustainable Development Principles
- S 1a Presumption in Favour of Sustainable Development
- EQ 6 Design and Place Making
- EQ 7 Built and Historic Environment
- E 4 Change of use of existing business land and premises
- CF 1 Retail and Town Centres
- CF 5 Provision and Retention of Local Community Services and Facilities
- CF 6 Accessibility and Transport

National Planning Policy Framework

- Section 2 Achieving sustainable development
- Section 4 Decision-making
- Section 12 Achieving well-designed places
- Section 16 Conserving and enhancing the historic environment

Supplementary Planning Documents and Guidance

High Peak Borough Council Design Guide SPD (2018)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0003/1694

Change Of Use Of Vacant Premises To Shoe Repairs And Key Cutting Shop,
Approved 23/06/1992

HPK/2001/0273

Change of use to Ice Cream parlour
Approved 31/08/2001

HPK/2022/0387

Change of use to coffee shop/Cafe and to replace all defective external elements
Roof, Cladding doors and windows Rainwater pipes and gutters

Approved with conditions 20/03/2023

CONSULTATIONS

Publicity

Site Notice expiry date: 25/08/2023

Neighbour consultation period ends: 25/08/2023

Press Advert: N/A

Public Comments

No representations received.

Town / Parish Comments

N/A

Conservation Officer

No objection

Environmental Health

No comments received.

OFFICER COMMENTS

Principle of Development and Neighbour Amenity

Local Plan Policy EQ6 requires development to achieve a satisfactory relationship to adjacent development and to 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.

The proposed extending of the opening hours would see the food and drink establishment previously approved allowed to operate 0545-2200 Monday – Sunday inclusive.

As outlined in the Officer Report for the previous approval earlier this year, the site is within the centre of Glossop with surrounding buildings all in commercial use. The proposed use is unlikely to give rise to any adverse impact on nearby amenity.

In light of the lack of immediately adjacent neighbouring residential properties the proposed opening hours are considered appropriate and the proposed development thereby accords with the amenity tenets of Policy EQ6 of the Local Plan. A number of late night uses in the immediate and surrounding area are noted, including public houses and other late night commercial activities.

An additional condition was previously imposed to ensure that the application site can only be used as a food and drink establishment and would not benefit from the ability to be used as any other Class E as outlined by the Use Classes Order 1987 (or any equivalent Order) . This would remain in place and the Council consider this

limitation satisfactory to control the potential end use and impact on neighbouring uses.

It is not considered that the scheme would have any significant adverse impact on residential amenity over the existing arrangement in accordance with Policy EQ 6 from the High Peak Local Plan (Adopted April 2016) and relevant National Policies found in National Planning Policy Framework.

While the Environmental Health officer has provided no comments on the proposal, for the reasons listed above it is considered that the impacts on residential neighbours arising from the extended permitted hours of use would be satisfactory and the retention of the additional conditions to be retained to the original permission will ensure this.

CONCLUSION / PLANNING BALANCE

The amended development would remain acceptable in principle and in terms of all relevant planning considerations, as assessed on the original planning permission. The proposed amendment is not considered to give rise to any additional planning considerations, and the development as proposed is therefore considered to accord with the relevant policies of the Local Plan and the NPPF, and is therefore recommended for approval, subject to the conditions imposed on the original permission.

OFFICER RECOMMENDATION : APPROVE subject to conditions

Case Officer: John Van Eker

Recommendation Date: 07/09/2023

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council