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High Peak Borough Council

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Application no: HPK/2023/0453

Determined on: 3rd January 2024

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:

1 Green Lane Buxton Derbyshire SK17 9DS

Description of Development:

Application for Removal or Variation of a Condition 5 following Grant of HPK/2018/0544 to extend the opening hours to 21.00 hours

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 carried out in accordance with the following approved plans: Dwg Nos. C1/19/06 Sheet No. 01 Site Plan and Block Plan and C1/19/06 Sheet No. 03 Proposed (current).

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

2. Within three months of this permission being granted, 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 within 6 months of the date of this consent. 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 for the duration of the use hereby permitted.

Reason:- In the interests of amenity in accordance with Policy EQ6 of the High Peak Local Plan.





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3. Within three months of this permission being granted, a report detailing the noise emissions from the proposed extract ventilation system shall be submitted to and approved in writing by the Local Planning Authority. 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 in writing with the Local Planning Authority. The approved silencers shall be installed within 6 months of the date of this consent and subsequently maintained for the lifetime of the use. The extraction system serving cooking equipment shall incorporate anti-vibration mounts and flexible couplings to prevent structure-borne noise to adjoining occupiers. Noise assessment and monitoring shall be undertaken inline with BS4142.

Reason:- In the interests of amenity in accordance with Policy EQ6 of the High Peak Local Plan.

4. The use hereby permitted shall not take place other than between the hours of 08:00 to 21:00 on any day.

Reason:- In the interests of amenity in accordance with Policy EQ6 of the High Peak Local Plan.

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 *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 DBCP Limited, Web: dbcp.co.uk; Email: info@dbcp.co.uk ; Tel:0333 880 2000.
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





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you want to appeal against your local planning authority's decision then you must 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.

