From:	James Stannard
To:	"Rebecca Yates"
Cc:	Nathan Tonge
Subject:	DOC/2023/0007 - Conditions 3, 5 and 23 relating to HPK/2021/0173 (Allowed Appeal)
Date:	26 March 2024 10:49:44
Attachments:	image001.png image002.png

Good Morning Rebecca

Apologies it has taken so long to get around to looking at these conditions.

I write in connection with DOC/2023/0007.

I can confirm that in accordance with Plans and Elevation Drawings (Ref: 301-01-S4-D-PFSFTG2 & 301-01-S4-E-PFSFTG2), Drive Thru Plans and Elevations (Ref: 310-02-S4-A) and Finishes Layout (Ref: 220-06-A-A-GA), Condition 3 attached to the Appeal Decision is hereby formally discharged.

The latest Landscape Layout (Ref: 4629-01-Rev D) is acceptable with regards to Hard and Soft Landscaping and Biodiversity Enhancement and is hereby formally discharged.

The above therefore completes the application.

I will write to you separately in connection with other conditions sought for discharged under different applications.

Kind Regards

James Stannard Planning Officer
Development Services
High Peak Borough Council and Staffordshire Moorlands District Council
Tel: **07976 753958**
www.highpeak.gov.uk | Follow HPBC on Twitter | Facebook
www.staffsmoorlands.gov.uk | Follow SMDC on Twitter | Facebook

Please note that my working days are Monday-Thursday

From: Rebecca Yates <rebecca.yates@eg.group>
Sent: Monday, January 15, 2024 10:03 AM
To: James Stannard <James.Stannard@highpeak.gov.uk>
Subject: RE: DOC/2023/0007, DOC/2023/0009 & DOC/2023/0022 - Fickle Mermaid, Chapel (Liable for Enforcement Action)

Good Morning James

Please see attached revised landscape layout to satisfy conditions 5 & 23

I will be sending another email later today addressing the other conditions.

Kind regards

Rebecca Yates - Graduate Town Planner
Property
07494587715
rebecca.yates@eg.group

EG Corporate Services Waterside, Haslingden Road, Blackburn, BB1 2FA, UK

Disclaimer

From: Stannard, James <James.Stannard@highpeak.gov.uk>
Sent: Thursday, January 4, 2024 11:14 AM
To: Rebecca Yates <rebecca.yates@eg.group>
Cc: Nathan Tonge <nathan.tonge@eg.group>; planenforcement HPBC <planenforcement@highpeak.gov.uk>; Haywood, Ben <Ben.Haywood@highpeak.gov.uk>
Subject: DOC/2023/0007, DOC/2023/0009 & DOC/2023/0022 - Fickle Mermaid, Chapel (Liable for Enforcement Action)
Importance: High

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Good Morning Rebecca

I write in connection with the above live applications, with a view to getting all conditions discharged as a matter of urgency, given that the development is fast approaching an (unlawful) competition.

Below is a summary of where I believe we are up to with each condition under the relevant application. If you would kindly respond with clarification, and further plans or information where appropriate, we can hopefully reach a speedy conclusion this month. Please be advised that the application for Advertisement Consent regarding the proposed signage will not be determined until such time all pre-commencement conditions have been fully discharged.

DOC/2023/0007

Condition 3 – Materials

The submitted Service Station Plans and Elevations (310-01 Rev E) and Drive Thru Elevations (310-02 Rev A) are acceptable and as such this conditions can be discharged.

Condition 5 – Hard and Soft Landscaping

Revised Landscaping Plan (4629-01 Rev C) addresses the comments of the Tree Officer and are now acceptable. As such this condition can be discharged subject to an amended plan (Rev D) being submitted (see Con 23 below)

Condition 23 - Biodiversity Enhancement Scheme

The latest comments from Derbyshire Wildlife Trust state that in order to comply with sub-paragraph (e) of the condition, the Landscape Layout should include a note stipulating the requirement for a statement of compliance to be submitted to the Council upon competition of works. Once a revised Landscape Plan (Rev D) has been received showing this note, it is anticipated that this condition can be discharged.

DOC/2023/0009

Condition 15 – Drainage

Despite being almost a year on from submission, and multiple exchanges with the Lead Local Flooding Authority, we are no nearer to discharging this condition. Failure to discharge this condition amounts to unlawful development given that the nature of the condition (drainage) goes to the heart of the permission. You are therefore liable to enforcement action at any time should our Enforcement team decide to take action, if the development is completed without a suitable drainage strategy being agreed.

In addition, I would also advise that you have not yet sought to discharge Conditions 16, 17, 19, 20, and 21, which also relate to drainage and are either required to be discharged prior to commencement of development or first occupation. Again, given the significant progress made on site and that you haven't event attempted to discharge these conditions, you are now at risk of formal enforcement action at any time depending on how our Enforcement team wish to proceed. Can you please confirm when you are looking to submit an application to discharge these conditions?

DOC/2023/0022

Condition 4 – Details of railings, fences, gates, walls, bollards and means of enclosure

It is my understanding that no further details have been received following my email of 31st May. Please provide as a matter of urgency.

Condition 25 – Scheme for EV Charging Points

Details submitted have been found to be acceptable allowing this condition to be discharged.

Condition 26 – Details of Bin Storage

You have previously commented that Starbucks store their bins in their back office. I will need you to submit a Floor Plan showing this so that I can get this approved by our Waste team and/or Highways Authority before the condition can be discharged. Please provide as a matter of urgency.

Summary

- DOC/2023/0007 can be concluded with a minor change to the Landscape Plan submitted as Rev D to comply with Condition 23 sub paragraph (e)
- DOC/2023/0009 cannot be concluded until such time as a drainage strategy has been approved by the LLFA
- Conditions 16, 17, 19, 20 and 21 require discharge before either the development has commenced, or in some cases before first occupation. I would strongly advise you to submit an application to discharge these conditions at the earliest opportunity
- You are liable at any time for enforcement action to be taken, which for example could take the form of a Stop Notice. The course of action will be dependent on how our Enforcement Team wishes to proceed.
- DOC/2023/0022 can be concluded by way of submitting details of the railings, fences, gates, walls bollards and means of enclosure, and an updated plan showing the location of bin storage which are found to be acceptable
- The proposed associated signage which is subject of an application for Advertisement Consent under HPK/2023/0479 will not be determined until such time as all outstanding pre-commencement conditions have been satisfactorily concluded

I will now be discussing this email with the Development Control Manager Ben Haywood and our Enforcement Team with regards to enforcement action that may be taken in the near future to ensure that the development is completed and carried out lawfully.

I look forward to hearing from you.

Regards

James Stannard Planning Officer
Development Services
High Peak Borough Council and Staffordshire Moorlands District Council
Tel: **07976 753958**

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