

From:
To:
Subject: Comment Received from Public Access
Date: 27 February 2025 17:26:12

Application Reference No. : HPK/2024/0493
Site Address: 3 Cafe Green Lane Chinley Derbyshire SK23 6AA High Peak
Comments by: Andrea Matejkova
From:
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Green Lane
Chinley
Chinley
Derbyshire
SK23 6AA

Submission: Objection

Comments: I object to the planning application from the following reasons:

There is an open investigation by the Council on the noise coming from the premises.

The premises licence has been breached from day 1.

The licence states that no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises causing nuisance. The live amplified music and speaking on microphone is causing nuisance to residents. The noise is spread across the residential area within approx. 150m radius. The cause of the noise is too loud dance music, people's group jumping, stamping and shouting, more particular in late hours after consuming more alcohol.

The properties 3 & 9 Green Lane have been purposely built for use as shops or offices, with a single glazed shop windows. As such the premises are not suitable for the current use as a wine bar with loud amplified music. The restrictive covenants have been created for a good reason here. The restrictive covenants are binding the land and each successor in title and the covenants do not permit a nuisance to occupiers and neighbours and do not permit any beer seller on the land. The adjoining residents also live in the houses with single glazed windows and as such suffer from loud noise nuisance. A number of complains have already been submitted to the environmental department. During the spring and the summer the residents will be unable to open their windows either.

There is a constant vibration and humming inside our house. The cause of noise is installation of some commercial kitchen plant, which has been attached to the main structural beam. The beam connects 3 properties in a row, and we have not found any environmental/ building control/planning consent which would approve the installation and the use. Has anybody inspected whether the extraction system serving cooking equipment incorporates anti-vibration mounts and flexible couplings to prevent structureborne noise to adjoining occupiers as this has been required in planning permission for Green Social café/bar at No. 20 Green Lane?

No notices displayed throughout the premises stating that CCTV is in operation. CCTV cameras have been installed all over the external areas constantly recording residents living on Princes Road, which is purely residential cul-de-sac.

No notices displayed at area use for smoking requesting patrons to respect the needs of local residents and use

the area quietly. People are congregating on the corner of Princes Road and Lower Lane for the purposes of smoking. We experienced loud shouting later in the night, we must pass through the smokers every time for the access and egress.

Constant parking on double yellow lines in Princes Road makes crossing the road dangerous especially for small children.

There were cigarette ends on the top of the public bin and on the pavement in Princes Road.

There were empty bottles left at nearby private properties.

External doors and window at the rear have been open after 21.00 hours.

The extraction plant expels a strong odour and certainly has an environmental impact on the area. Odours, smoke, grease and other cause a nuisance as it is impossible to enjoy Squirrel Green and all residents must inhale pollutants. The residents will not be able to open windows during warmer months because of a smell. There is certainly a commercial kitchen within the premises as they provide hot food. Has the full inspection and assessment been carried out in this regard? Including odour and nuisance control plan, planning for the external plants installed?

We moved to a quiet village with a view of a peaceful living. We have checked the local search which identified that our property was located within a conservation area. We have checked the title registers, which include restrictive covenants preventing nuisance to neighbouring occupiers and beer seller. We have checked the planning permission for 3 Green Lane granted for a tea room/ café with opening hours suitable for a café till 4 pm. Therefore we felt safe to move in as we understood that any changes to character of the area would be thoroughly scrutinised and not allowed but sadly opposite is the truth. The nuisance coming from the premises because of the way they use it and not being enforced is scandalous.

European Convention on Human Rights ARTICLE 8 - Right to respect for private and family life states:

1. Everyone has the right to respect for his private and family life, his home and his correspondence.

The use of the premises highly interrupts our privacy and prevents peaceful enjoyment and family life.

We suffer from a constant vibration and humming noise inside our property. We cannot escape it or stop it.

We fear what every new day and night brings. Will the amplified noise from the premises make our living unbearable? Will we hear people shouting and screaming when they congregate outside the premises?

The unfortunate current decision notice which allows the premises (the café) to be open till 11.30 pm already has an adverse impact on (what it used to be) a peaceful residential area. The opening hours till 1 am will only encourage people drinking alcohol longer hours and cause further nuisance and mess and nothing positive for residents and the area.

There are currently two Airbnbs on the premises, the bigger Airbnb has been predominantly used for hen parties

with loud music and shouting, screaming until morning hours. The combination of both the loud bar downstairs and Airbnb for hen parties is too much to live in our property currently.

The use of the premises on 3 Green Lane does not comply with Article 8 and as such our human right has been breached.

The premises are predominantly used as a bar. The opening hours from 4 pm till 11.30 pm and not allowing children from 8 pm indicates enough that it is not a café it is a bar. The type of life music played on the premises encouraging people jumping and screaming, drunk people congregating outside indicates it is a bar and must have a planning consent for a change of use as sui generis.

I would inevitably refer you to the planning consent and planning report for the café/bar Green Social, which is located just a few meters from the subject matter in the same street No. 20 Green Lane. And from some reason it has been completely left out when making decision on the subject matter premises. Green Social café is a perfect precedent which should have been followed when making decision about 3 Green Lane. Green Social planning wise is a bar/sui generis.

In Green Social café/bar planning documents the planning report suggests:

The café/bar use would fall within a mixed use area with operating hours as follows: 9.00 to 16.00 (A3 café use) and 16.00 to 21.00 (Monday to Saturday) and 9.00 to 16.00 (A3 café use) on Sundays and Bank Holidays. The Council's Environmental Health Officer has raised no objection to the scheme, subject to control of hours of use, no external sound/amplifying equipment, fume extraction noise and odour control, which could be controlled via planning conditions. Accordingly, in these regards the scheme would comply with LP Policies EQ6 'Design and Place Making' and EQ10 'Pollution Control and Unstable Land'.

The Green Social café/bar planning consent has been made on the following conditions:

The use hereby permitted shall not be open to customers other than between the hours of 09.00 to 21.00 hours on Monday to Saturday and 09.00 to 16.00 on Sundays or Public Holidays.

Reason:- To ensure that the residential amenities that occupiers can reasonably expect to enjoy are adequately protected in accordance with Policy EQ6 of the High Peak Local Plan 2016 and paragraph 17 of the National Planning Policy Framework.

No sound-amplifying equipment, loudspeaker, public address system shall be installed/operated or music played outside the premises hereby approved or within its curtilage.

Reason:- To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area, in accordance with Policy EQ6 of

the High Peak Local Plan 2016 and paragraph(s) 17 and 123 of the National Planning Policy Framework.

Prior to the commencement of the use hereby permitted, 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 scheme shall be implemented in full prior to the equipment being 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.

Reason:- In order to safeguard the amenities of the area, in accordance with Policy EQ 10 of the High Peak Local Plan 2016 and the National Planning Policy Framework

Prior to the commencement of the use hereby permitted, 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. The scheme shall incorporate a 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 in writing with the Local Planning Authority. The approved scheme shall be implemented in full prior to the equipment being brought into use and thereafter be maintained. The extraction system serving cooking equipment shall incorporate anti-vibration mounts and flexible couplings to prevent structureborne noise to adjoining occupiers.

Reason:- In the interests of the amenities of the area, in accordance with Policy EQ10 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

The planning permission for Green Social deals with most of aspects of preventing nuisance to adjoining occupiers, respecting human rights, applying suitable planning use class, and dealing with extract ventilation system.

In my opinion it is imperative that the Green Social planning permission is used as a precedent in order to revoke the current planning consent, to refuse any new variations of the original planning permission and for a new wise planning decision on 3 Green Lane.

Plans:

The consultation refers to planning permission HPK/2014/0381 (Permission). The Permission strictly refers to approved plans. The approved plan ¿proposed rear elevation¿ shows that Extractor Fan has been approved. There were another 3 additions built/added to the rear including commercial kitchen extractor plant fan/flue in 2024. No approved plans exist for these.

The black rectangular metal ashtray box has been attached to the front wall (Princes Road and Green Lane corner) for the use and assembly of smokers. No approved plans exist for this addition.

CCTV cameras have been installed all over the external areas constantly recording residents living on Princes Road, which is purely residential cul-de-sac. No approved plans exist for this addition.

The approved front sign has been replaced with plastic sign has this been approved?

An advertisement board has been placed in the middle of the public pavement. No planning consent has been granted?

The Permission was granted in strict accordance with the approved plans. It further states that it should be noted however that:

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.

We therefore consider that the above was unauthorised development on the land in Conservation Area and ask how this has been enforced?

Thank you

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