STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

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Chief Executive

Mr Chrsitopher Ralphs
Chris Ralphs Architects Ltd
Windsor House 5A King Street
Newcastle under Lyme
ST5 1EH

Mr Bibbey
The Croft Childs Lane
Congleton

Application no: SMD/2018/0517

Determined on: 08/10/2018

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as Amended)

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.

Location of Development:
63 High Street Biddulph Staffordshire ST8 6AD

Description of Development:
Variation of Condition 2 in relation to SMD/2018/0157

In pursuance of their power under the above mentioned Act, Staffordshire Moorlands District 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 begun prior to 15th June 2021.
Reason: To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004 and approval reference SMD/2018/0157.

2. The development hereby approved shall be carried out in accordance with the following submitted plans and subject to the following conditions and/or modifications:-

0495_GA-P-001;
0495_GA-P-002;
495_GA_P-003;
495_GA_P-004 Rev A.

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

3. Prior to the commencement of development details of the flue, external kitchen door and type and extent of the frosted/obscure glazing shall be submitted to and approved in writing by the Local Planning Authority. Details shall include all materials, colours/finish and dimensions. The development shall be carried out in accordance with the approved details, be completed in full prior to first use of the development and retained for the lifetime of the development.
Reason:- In the interests of visual amenity.

4. The use hereby permitted shall only be conducted between 12:00 noon and 21:30 hours.
Reason:- In order to maintain the amenities of the area and in accordance with the applicants intentions.

5. Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times of operations.
- 08:00 - 18:00 hours (Monday to Friday);
- 08:00 - 13:00 hours (Saturday)
- No working is permitted on Sundays or Bank Holidays.

In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.
Reason:- To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

6. The machinery, plant or equipment including air conditioning, kitchen extraction, refrigeration and ventilation systems (""machinery"") installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [15 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014.
Reason:- To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.

7. Prior to the commencement of development full particulars and details of a scheme to insulate the premises against the transmission of airborne sound shall be submitted to and approved in writing by the Local Planning Authority. The scheme criteria shall achieve sufficient noise reduction to ensure that the noise from the activities generated inside the fabric of the relevant buildings/premises shall not increase the background noise levels during day time expressed as LA90 [1hour](day time 07:00-23:00 hours) and/or (b) LA90 [15 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive

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locations or premises in separate occupation. The scheme shall then be implemented in accordance with the agreed details and completed in full prior to first use of the development hereby approved.
Reason:- To safeguard the amenity of neighbouring occupiers.

8. Prior to the installation of any amplified sound system to be used in connection with this permission the details shall be submitted to and approved in writing by the Local Planning Authority. The details shall include those of a suitably calibrated noise limiter to prevent the transmission of noise and vibration into any neighbouring premises. The development shall then be carried out in full accordance with the approved details and maintained in accordance with the manufacturer's instructions.
Reason:- To ensure that the reasonable residential amenities of adjoining properties are adequately protected from noise pollution.

9. No means for the amplification of voice or music whatsoever shall be installed for use outside of the building or for onward external transmission. Any broadcast or background music played inside the building shall at all times be set at a level that will ensure that it is inaudible at the curtilage of the nearest noise sensitive property.
Reason:- In the interests of residential amenity and that of the surrounding area.

10. Prior to the installation of any external lighting the details shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the lighting design, intended location(s), level and type of illumination. No external lighting shall be installed except in complete accordance with the approved details.
Reason:- In the interests of amenity.

11. During any demolition and construction activities the contractor shall pay due regard to the Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456), and take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.
Reason:- To ensure that the reasonable residential amenities of adjoining properties are adequately protected from dust pollution.

12. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development shall not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed in writing by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exists to any identified receptors, development shall not recommence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, and approved in writing by the Local Planning Authority. The approved remediation scheme shall be implemented in full prior to the development being brought into use.
Reason:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without

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unacceptable risks to workers, neighbours and other offsite receptors.

13. Prior to the commencement of development details of all ventilation and filtration equipment to be installed to suppress and disperse fumes and/or smell created from cooking activities on the premises, shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed and in full working order prior to first use of the development, retained for the lifetime of the development and shall be effectively operated and maintained in accordance with manufacturer's instructions for as long as the use continues.
Reason:- To ensure that unsatisfactory cooking odours outside the premises are controlled and in the interest of neighbouring amenity.

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 Staffordshire Moorlands District Council

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NOTES

1. Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting the Councils Building Control Section at BControl@staffsmoorlands.gov.uk

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 Staffordshire 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. An application will need to be made to discharge conditions and a fee is payable with the application. For more details please refer to our web site: www.staffsmoorlands.gov.uk 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.

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7. If the decision to refuse planning permission is for a householder application, and 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.

8. If this is a decision to refuse planning permission for a minor commercial application, and 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.

9. If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

10. If you want to appeal against your local planning authority's decision for any other type of development, including listed building consents then you must do so within 6 months of the date of this notice Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://acp.planninginspectorate.gov.uk

11. The Secretary of State can allow a longer period for giving notice of an appeal, but 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 the Secretary of State 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.

12. 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.

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