STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Mr Christian Smith
CS Design Consultants
Hallycombs Farm Red Lane
Macclesfield
SK11 0NA

Mr Calvert
59 Padbury Lane
Congleton
CW12 4LR

Application no: SMD/2020/0648

Determined on: 18th January 2021

**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:**
35 High Street, Biddulph, Staffordshire, ST8 6AW

**Description of Development:**
Change of use of cafe to bar

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 before the expiration of three years from the date of this permission.

   Reason:- To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2. 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.

3. The machinery, plant or equipment including air condition 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.

4. The use hereby permitted shall not be begun until full particulars and details of a scheme to insulate the premises against the transmission of airborne sound has been submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any approval given. 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 locations or premises in separate occupation.

   Reason:- To safeguard the amenity of neighbouring residential occupiers.

5. Any amplified sound system used in connection with this permission shall be installed with a suitably calibrated noise limiter so as to prevent the transmission of noise and vibration into any neighbouring premises. The details of the noise limiter shall be submitted to and approved in writing by the Local Planning Authority. This noise limiter shall be maintained in accordance with manufacturer's instructions.

   Reason: To ensure that the reasonable residential amenities of adjoining properties are adequately protected from noise pollution.

6. 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 outside the building.

Reason:- To prevent further deterioration of local residential amenity, the protection of the amenities of the surrounding area and the occupiers of nearby residential properties and to avoid the risk of disturbance to neighbouring dwellings during unsocial hours.

7. There shall be no deliveries between the hours of 20.00 hours and 08.00 hours Monday to Saturday inclusive, and not between the hours of 20.00 hours and 10.00 hours on Sundays and Public or Bank Holidays.

   Reason:- To safeguard the amenity of neighbouring residential occupiers.

8. The use hereby permitted shall be restricted to the following hours:
   Monday - Saturday: 09:00 - 23:00
   Sundays & Public/Bank Holiday: 09:00 - 22:00

   Reason:- To safeguard the amenities of the occupiers of buildings near the site.

**Informatives**

1. This is considered to be a sustainable form of development and so complies with the provisions of the NPPF (2019).

2. Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.
   • Guidance for control of dust and emissions for construction can be found: in
   • The control of dust and emissions from construction and demolition Best Practice Guidance, produced by the greater London councils
   http://www.london.gov.uk/sites/default/files/BPGcontrolofdustandemissions.pdf
   • Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456)
   • Advice on controlling flies and light can be found in: Statutory Nuisance from Insects and Artificial Light (defra 2005) available as a free download
   http://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/statnuisance.pdf
   • Any approved noise scheme and measurements should pay due regard to British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice), BS4142:2014 Methods for rating and assessing industrial or commercial sound and/or the Building Regulations 2010 Document E or other appropriate guidance.
   • During any demolition and construction activities (including landscaping) the contractor shall take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.
   Building Research Establishment Guidance Document 'Control of Dust from

Construction and Demolition Activities' (BR456)
• In accordance the Site Waste Management Plans Regulations 2008 any construction project with an estimated cost greater than £300,000 must, before work begins, prepare a Site Waste Management Plan in accordance with the requirement of these regulations.
• If required, contamination risk assessments shall be carried out in accordance with UK policy and with the procedural guidance relating to the contaminated land regime, and should be in accordance with Planning Policy Statement 23 and the CLR Report Series 1-12.
• Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.
• The Local Planning Authority will determine the acceptability of reports on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post development, where the applicant had prior knowledge of the contamination, the applicant is likely to be liable under Part II (a) of the Environmental Protection Act 1990 and as such become and "appropriate person". In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.
• Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this, the applicant or those acting on behalf of the applicant will be liable under part II (a) of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.
• During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public property and the environment are protected against noise, dust, odour and fumes
• The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of in an appropriately licensed landfill site.
• Staffordshire Moorlands District Council is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is forwarded to the Environmental Protection Department and agreed in principle prior to site investigation works being undertaken. The Environmental Protection Department is also prepared to review draft copies of reports prior to final submission to the Planning Department in order to ensure that works undertaken are sufficient to discharge the contaminated land conditions.

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Signed by: Ben Haywood

**On behalf of Staffordshire Moorlands District Council**

Moorlands House, Stockwell Street, Leek, Staffordshire Moorlands, ST13 6HQ.
www.staffsmoorlands.gov.uk Tel: 0345 605 3010
*All correspondence to Staffordshire Moorlands District Council, P O Box 136, Buxton, SK17 1AQ.*

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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

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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

10. 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.

11. 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.