STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Mr Martin Rigby
Martin Rigby Architects
Willbank House
Willbank Lane
Faddiley
Nantwich
CW8 5JG

Mr Karapinar
95 High Street
Biddulph
ST8 6AB

Application no: SMD/2022/0306

Determined on: 17/08/2022

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

REFUSAL OF PLANNING PERMISSION

Location of Development:
95 High Street, Biddulph, Staffordshire, ST8 6AB

Description of Development:
Change of use of retail premises to kebab/pizza takeaway.

Staffordshire Moorlands District Council in pursuance of powers under the above mentioned Act hereby **REFUSE** to permit the development described above and detailed in plans ref. Location Plan and Proposed Elevation and Floor Plan submitted with the application, for the reason(s) specified below:-

1. The development would result in a concentration of non-retail uses within a Local Plan designated 'primary shopping frontage'. The proposed use would be harmful to the character, vitality and viability of Biddulph's town centre in this High Street locality. As such the development would be contrary to policies SS6, TRC 1, and TRC 2 of the adopted SMDC Local Plan 2020 and the terms of the NPPF.

2. The rear of the premises is close to residential properties where there would be sensitivities to strong cooking smells and the noise generated by any means of extraction. The application has not been provided with a site specific cooking smell abatement scheme demonstrating that adequate ventilation plant could be provided in a way that would not increase noise levels over background. The development has the potential therefore to harm the living conditions and amenity of nearby residents. This would be contrary to policy SD4 and DC1 of the adopted SMDC Local Plan 2020 and the terms of the NPPF.

Informatives
It is considered that the proposals are unsustainable and do not conform with the provisions of the NPPF. It is considered that the applicant is unable to overcome such principle concerns and thus no amendments to the application were requested.

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X

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council

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NOTES

1. 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.

1. 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.

2. 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.

3. 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.

4. 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

5. 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.

6. 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.