

Mr Yasir Merchant
Keenan Project Designs Ltd
3A Parks House
Rugby
CV21 3SS

Mr Ahmed
The Swan 39 High Street
Biddulph
Staffordshire
ST8 6AD

Application no: SMD/2022/0295

Determined on: 13/09/2022

**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:

39 The Swan High Street Biddulph Staffordshire ST8 6AD

Description of Development:

Change of use from existing public house to proposed restaurant with ancillary takeaway service

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. The development hereby approved shall be carried out in complete accordance with the submitted amended plans and specifications as follows:-

1420 03 D dated 8.9.22

1420 05 D dated 8.9.22

1420 07 D dated 8.9.22

Reason:-

To ensure that the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.

3. The external facing materials of the rear extension shall match in colour, form and texture those of the existing building and there shall be no variation without the prior consent in writing of the Local Planning Authority.

Reason:-

To ensure that the works harmonise with the existing development.

4. Any take-away service shall be entirely ancillary to the main use of the site as a restaurant and there shall be no separate counter for this service.

Reason:-

In the interests of the character and amenities of the area.

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 development shall be carried out in accordance with the following:

I. Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment. All waste transfer records should be retained for inspection by officers of the Local Planning Authority;

II. No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely affect adjacent residential properties and/or other sensitive uses and/or the local environment. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression. These shall be made available for inspection when required by officers of the Local Planning Authority

Reason:-

To protect the amenities of the area during construction

7. Suitable ventilation and filtration equipment shall be installed to suppress and disperse fumes and/or smell created from cooking activities on the premises. The equipment shall be

effectively operated and maintained in accordance with manufacturer's instructions for as long as the proposed use continues. The equipment shall be installed and in full working order to the satisfaction of the Local Planning Authority prior to the commencement of the use. Any system installed must be by suitably qualified competent engineers and the canopy must meet all relevant Health and Safety requirements including the use of Gas Interlocks. The provision of a commissioning certificate issued by a Gas Safe registered engineer should be available for inspection.

Reason: -

To ensure that unsatisfactory cooking odours outside the premises are minimised, in the interest of the amenity of occupiers of nearby properties.

8. 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 +A1:2019)(Method for Rating and assessing industrial and commercial sound)

Reason:-

To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.

9. There shall be no deliveries to the premises except between the hours of 08.00 hours and 20.00 hours Monday to Saturday inclusive, and only between the hours of 10.00 hours and 18.00 hours on Sundays and Public or Bank Holidays.

Reason:-

To safeguard the amenity of neighbouring residential occupiers.

10. Before the development is first brought into use, details of the opening hours for customers shall be submitted to and approved in writing by the local planning authority and the restaurant / take away service shall not be open to customers outside of the approved hours for the lifetime of the development unless otherwise agreed in writing.

Reason:-

In the interests of the character and residential amenities of the area.

11. The artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance at the adjoining light sensitive locations when the light (s) is (are) in operation. Details of all external artificial lighting to be installed under this permission shall be submitted to and approved in writing by the Local Planning Authority prior to installation.

Reason:-

To protect the local amenities of the local residents by reason of excess of illuminance

Informatives

1. The Council has sought (negotiated) a sustainable form of development which complies with the provisions of paragraphs 186-187 of the NPPF.

2. This planning permission approved only the change of use of the site. It does not approve a new shopfront or any alterations to the front elevation of the building other than those shown in the approved amended drawings set out in Condition 2.

3. Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer:

"" Food Registration: Under Regulation (EC) No 853/2004 Article 6 Paras 1 and 2 every food business operator shall cooperate with and notify the appropriate competent authority by completion of a food establishment registration form for each establishment under its control that carries out any of the stages of production, processing and distribution of food, with a view to the registration of each establishment. Food business operators shall also ensure that the competent authority always has up-to-date information on establishments, including by notifying any significant change in activities and any closure of an existing establishment.

The applicant is advised to contact the Environmental Health Department, Staffordshire Moorlands District Council, Moorlands House, Stockwell Street, Leek, Staffordshire Moorlands Tel: 01538 395400 Fax: 01538 388393
Email: environmental.health@staffsmoorlands.gov.uk

"" A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition of the existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements: <http://www.hse.gov.uk/>

"" 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.

"" 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)

"" Any approved noise scheme and measurements should pay due regard to the Professional Guidance on Planning and Noise (ProPG), 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

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

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.
12. Domestic sprinklers
Fire sprinklers operate automatically even if you are not at home releasing water directly over the source of the fire and sounding the alarm, they are unobtrusive and easy to install. Sprinklers are NOT expensive; normally costing around 1-2% of the cost of construction of a new building. The use of sprinklers will usually allow design freedoms as well, which can reduce construction costs and improve usability and design freedoms of the building. The chance of an accidental discharge is 16,000,000:1
If you would like further advice please contact Staffordshire Fire and Rescue Service (www.staffordshirefire.gov.uk)

13. Working smoke alarms correctly positioned in your home can save your life.

The Fire Service recommends you have smoke alarms on every floor of your home, including in each bedroom, and make sure you test your smoke alarms at least once a month.

Although the application of approved guidance and enforcement of regulations will give buildings the legally required baseline of fire protection, the Fire Service's viewpoint is many of these fall short of what we would consider adequate. This is why we campaign for the inclusion of sprinklers.