STAFFORDSHIRE moorlands DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Mr Arthur Griffiths
Pegasus Group
39 Bennetts Hill
Birmingham
B2 5SN

Gastronomy Properties Ltd.
C/o Agent

Application no: SMD/2022/0189

Determined on: 27/01/2023

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:
Land at Broad Street Leek Staffordshire

Description of Development:
Erection of two units (Class E/Sui Generis) and associated works.

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 expiry of three years from the date of Decision Notice.
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:-

G001
G121 Rev F amended plan received on 3.10.22.

G211 Rev D amended plan received on 12.12.22.
G100 Rev E amended plan received on 12.12.22.

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

3. Before any further development beyond the damp course level, details of all building finishing, hard surfacing and roofing materials in terms of type, colour and texture shall be submitted to and approved in writing by the local planning authority and the approved materials shall be used in the construction of the development.
Reason:-
In the interests of the character and appearance of the area.

4. Soft landscaping and planting of the site shall be provided as shown on the approved site plan G121 Rev F before the development hereby permitted is first brought into use.
Reason:-
To ensure the appropriate landscape design and in the interests of the visual amenities of the area and the ecological value of the area.

5. The implemented planting scheme shall be subsequently properly maintained in accordance with good horticultural practice; any plants which are removed, die, become diseased or otherwise fail to establish within 5 years of planting shall be replaced during the next available planting season and the replacements themselves shall then be properly maintained.
Reason:-
To ensure the appropriate landscape design and in the interests of the visual amenities of the area.

6. Before the development hereby approved is first brought into use, cycle hoops for customers and secure cycle storage for staff shall be provided in accordance with details to be submitted to and approved in writing by the local planning authority.
Reason:-
To encourage the use of modes of transport other than private vehicles in the interests of sustainability.

7. The parking spaces to the south of the building hereby approved shall be used solely by customers and staff of the units hereby approved.
Reason:-
To ensure adequate parking provision in the interests of highway safety.

8. The smaller unit shall be used solely for uses within the Class E(a) or Class E(b) uses of the Town and Country Planning (Use Classes) Order 1987 (as amended).
Reason:-

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

9. Development shall not brought into use until a surface water and foul water drainage scheme has been provided in accordance with details to be first submitted to and approved in writing by the local planning authority.
Reason:-
To ensure the protection of controlled waters in line with paragraph 174 of the National Planning Policy Framework.

10. The development hereby permitted shall not be brought into use until the widened access to the site within the limits of the public highway has been completed.
Reason:-
In the interests of highway safety.

11. The development hereby permitted shall not be brought into use until details of the reinstatement of the existing site access made redundant as a consequence of the development, to footway with full height kerb, which shall include the access crossing between the site and carriageway edge, have been first submitted to and approved in writing by the local planning authority. The existing site access made redundant as a consequence of the development hereby approved shall thereafter be reinstated as footway with full height kerb in accordance with the approved plans prior to the development being brought into use.
Reason:-
In the interests of highway safety.

12. The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans. The parking, turning and servicing areas shall thereafter be retained unobstructed as parking, turning and servicing areas for the life of the development.
Reason:-
In the interests of highway safety.

13. Before the proposed development is brought into use details of highway works comprising relocation of the ADS sign; widening of the site access; have been first submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with, but subject to technical approval of, the approved drawings before the proposed development is brought into use.
Reason:-
In the interests of highway safety.

14. The development hereby permitted shall not be brought into use until details of the surface water drainage interceptor, connected to a surface water outfall, has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.

Reason:-
In the interests of highway safety.

15. No phase of the development hereby permitted shall take place until a Demolition and Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-
-the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;
-the arrangements for prior notification to the occupiers of potentially affected properties; the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
-a scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression and mitigation measures and be in accordance with the approved Air Quality Assessment ref: 221541-AQA-001
-a scheme for recycling/disposal of waste resulting from the construction works;
-details of any generator to be used on site including location, timings and acoustic screening;
-no waste material associated with the demolition or construction hereby permitted shall be burnt on site but shall be kept securely for removal to prevent escape into the environment.
All works shall be carried out in accordance with the approved Statement.
Reason:-
To protect the amenities of the area.

16. Prior to the commencement of development, a scheme containing full details of arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, including any external ducting and flues, shall be submitted to and approved in writing by the local planning authority. The works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out unless otherwise agreed beforehand in writing with the local planning authority. The equipment shall be installed and in full working order to the satisfaction of the Local Planning Authority prior to the commencement of 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.

17. 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.

18. Prior to first being brought into use, the approved building shall be constructed to provide sound attenuation against internally generated noise of not less than 35 dB averaged over the frequency range of 100-3150 Hz. Details of the sound attenuation and construction shall be submitted to and approved in writing by the Local Planning Authority. The sound attenuation works shall be retained for the life of the development.
Reason:-
In the interests of the general amenities of the area

19. No amplified sound shall be audible within or at the boundary of any noise sensitive (occupied) premises either attached to or in the vicinity of the premises to which this application refers.
Reason:-
To ensure that the reasonable residential amenities of adjoining properties are adequately protected from noise pollution.

20. No deliveries shall be made to the site between the hours 21:00 to 07:00 hours Monday to Saturday and between the hours 19:00 hours to 10:00 hours on Sunday and Bank Holidays.
Reason:-
To protect the amenities of neighbouring residents

21. 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 lighting 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

22. No development approved by this planning permission shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, property (existing or proposed including buildings, crops, livestock, pets, woodland, service lines and pipes; buildings), adjoining land and ground and surface waters, has been submitted to and approved in writing by the Local Planning Authority. The scheme must include:

-A site investigation , carried out by a competent person to include a desk study, site walkover, and the production of a site conceptual model to support a detailed assessment of contamination risks to all receptors that may be affected, including those off site. Such an assessment shall be carried out in accordance with authoritative UK guidance.
The results of the site investigation and the detailed risk assessment referred to in (a) and, based on these, an options appraisal and a remediation strategy giving full details of remediation objectives and remediation criteria
-A validation plan providing details of the data that will be collected in order to demonstrate that the all works set out in (a) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and shall be completed prior to the development being brought into use.
The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
Reason:-
To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

23. Prior to bringing the development into first use, a validation report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved validation plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the validation plan, and for the reporting of this to the local planning authority.
Reason:-
To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

24. No soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material shall be submitted to and agreed in writing by the Local Planning Authority prior to the soils being imported onto site. The methodology shall include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as

determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing to by the Local Planning Authority prior to any soil being brought on to site.
Reason:-
To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

25. The units shall not be open to customers outside of the opening hours specified in details to be submitted to and approved by the local planning authority before the development is first brought into use.
Reason:-
In the interests of protecting the residential amenities of local residents from noise and disturbance.

26. No development above damp proof course level shall be commenced until a scheme for the provision of electric vehicle charging points has been submitted to and agreed in writing by the Local Planning Authority. No unit shall be occupied until any approved electric vehicle charging infrastructure associated with that unit has been installed in accordance with the approved details.
Reason:-
To promote the use of low emission vehicles and help mitigate the impact of any additional vehicles on local air pollution

Informatives

1.The Council has sought (negotiated) a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.

2. The conditions requiring highway works - relocation of direction sign; widening of access; permanent closure of redundant access - shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to (road.adoptions@staffordshire.gov.uk).
The applicant is advised to begin this process as soon as possible and well in advance of any works taking place in order to meet any potential timescales.
https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx
Highways Agreements - Staffordshire County Council

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

"" 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

"" A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition and conversion 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/

"" Food Registration: Under Regulation (EC) No 852/2004 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)

"" If required, contamination risk assessments shall be carried out in accordance with UK policy the Land contamination risk management framework (LCRM), published by the Environment Agency
https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm

"" 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 Health Department and agreed in principle prior to site investigation works being undertaken. The Environmental Health 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.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

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

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.

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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