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ST13 5NS

Mr Shakil
3 The Smithfield Centre Ashbourne Road
Leek
Staffordshire
ST13 5JW

Application no: SMD/2024/0164

Determined on: 15/07/2024

**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:

3 The Smithfield Centre Ashbourne Road Leek Staffordshire ST13 5JW

Description of Development:

Application for Variation of Condition 3 in relation
to SMD/2018/0546

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 maintained in accordance with the following approved plans: 2018-2355-03 Rev A, 2018-2355-01 Rev A, 2018-2355-02 Rev B.

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

2. The hours of operation of the unit hereby approved shall be restricted to 10:00hrs on any day to 03:00hrs on the following day, Monday to Sunday of any week.

Reason: - In the interest of the amenities of neighbouring residential properties and businesses.

3. Within 3 months of the date of this decision, notwithstanding the details shown on the approved plan 2018-2355-02 Rev B, details of the equipment shall be submitted to and approved in writing by the Local Planning Authority. Within 3 months of approval, the approved equipment details shall be installed to suppress and disperse fumes and/or smells created from cooking activities on the premises. The equipment shall be installed by a suitably qualified competent engineer 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 shall be available for inspection at any time by a Council Representative. Once installed the equipment shall be effectively operated and maintained in accordance with the manufacturer's instructions for the duration of the approved use.

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

4. The machinery, plant or equipment, including air condition and ventilation systems, 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/equipment 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.

5. No music and/or any amplified sound played on the site subject to this permission shall be audible 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.

6. Any artificial lighting installed on this site in connection with this application shall not increase the pre-existing illuminance at the adjoining light sensitive locations when the light(s) is (are) in operation.

Reason: - To protect the local amenities of the local residents by reason of excess of illuminance.

7. Access and service in person to members of the public shall cease at midnight. At midnight the door(s) to the serving area to the front of the premises to the A523 shall be

locked. Internal blinds to the front windows and door(s) shall be installed and closed at midnight so as to prevent views from outside of any activity in the premises, and the illuminated sign to the frontage shall be extinguished.

Reason:- To maintain local amenity in line with SMDC Local Plan Polciy DC1

8. From midnight to 03:00hrs on any day the premises shall operate strictly as a delivery only service. Deliveries shall take place via the premises' rear door utilising the premises' own employed drivers only and delivering exclusively to a fixed place of abode or business premises

Reason:- To maintain highway safety and local amenity in line with SMDC Local Plan Polciy DC1

9. The noise control recommendations in section 9 of the submitted Noise Impact Assessment by SBM Safety Solutions Ltd (Date: 25/1/24 ref. E20424) shall be implemented in full and maintained throughout the lifetime of the permission.

Reason:- To maintain local amenity in line with SMDC Local Plan Polciy DC1

Informative

1.The proposed development is judged to be of suitable design and meets the tests of sustainability in planning. There are not judged to be any adverse implications for neighbours or wider public amenity and street scene. As the application was considered acceptable there was no need for any negotiation or amendment as would otherwise be advocated within the National Planning Policy Framework paragraph 38.

X 

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 DBCP Limited, Web: dbcp.co.uk; Email: info@dbcp.co.uk ; Tel: 0333 880 2000.
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.