Development Control Manager
Staffordshire Moorlands District Council
Moorlands House
Stockwell Street
Leek
Staffordshire Moorlands
ST13 6HQ

Your ref	09/00622/REM-1
Our ref	2008.1591
Date	11 September 2009

Dear Rob,

09/00897/ 11 SEP 2009

Proposed amendment of Condition 3 and removal of Condition 18 attached to planning permission 09/00066/FUL: Proposed replacement commercial building at Adderley Mill, Cheadle

I attach a revised planning application proposing amendments to the terms of the planning approval 09/00066/FUL. It follows the recent Committee decision to refuse the proposal to remove both conditions and the applicant's post decision discussions with the Planning Service.

Please note that the Planning Statement submitted with the application for the replacement commercial building explains the reasons why the imposition of an hours of operation condition restricting operations only between the hours of 08.00 and 18.00 Mon-Fri and 08.00-13.00 Sat would not be acceptable to the applicant. This application seeks its (Condition 3's) amendment to allow evening operations within the building subject to the agreed evening noise level. The applicant continues to seek the removal of Condition 18 that restricts the planning permission solely to the applicant's business. The attached Planning Statement refers to the relevant Government advice that clearly advises Councils not to use this type of condition in circumstances that mirror this development. Please also note the Government's comment that it would not support such a condition in these circumstances in the event of an appeal. Should the Council not agree to remove this condition it should note that in doing so, it would put itself in a vulnerable position for a costs claim at appeal.

In response to comments that were made at the Committee and further comments made to the applicant, would you please make clear to the Committee that:-

1. There is nothing underhand in the proposal to amend the conditions following the granting of the planning permission for the replacement building. The Committee should be made aware that the Design and Access Statement submitted with the application for the replacement building, whilst acknowledging that the business principally operates between 8.00 and 18.00 Monday-Friday and 8.00-13.00 Saturday, stated that a proposal to impose a condition limiting operating hours "would place an unfair burden on (the applicant's) ability to operate competitively in a highly competitive market" and would therefore be resisted. It further stated that "the site adjoins other commercial premises that are also free of limited hours. Within this environment it is therefore considered unreasonable to restrict the applicant's

operating hours, particularly in a location where neighbouring businesses operate without such restrictions".

2. The removal of Condition 18 would not result in potential problems by future operators using the site in an unneighbourly way. Firstly, it should be pointed out that the applicant is intending to operate on the site for many years to come. In the event that another operator moves onto the site, it would have to operate within the terms of the existing noise limit condition for day and evening work, and within the condition proposed by this application which would restrict all operations outside standard working hours to be confined to within the building with the doors closed and operating within the evening noise level limit imposed by the Council's Environmental Health Service.
3. Lastly, the Committee should understand that the applicant's business currently operates without any planning environmental controls. This situation enables the business to operate flexibly and competitively. The Planning Conditions imposed by the permission for the replacement commercial building would remove this flexibility and would inevitably restrict the ability to operate competitively. In these circumstances, the applicant is unlikely to implement the planning permission and will continue to operate within the existing building and without any planning environmental controls. The benefits to the environment of an attractive new building, of regulating the way that operations take place on the site, the control of noise levels and the opportunities for further jobs will be lost.

As the application is a "second go", it does not generate a planning application fee.

Yours sincerely,

David J. Breakwell Dip. T.P.
For and on behalf of Sammons Architectural Ltd.

STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Application for removal or variation of a condition following grant of planning permission. Town and Country Planning Act 1990. Planning (Listed Buildings and Conservation Areas) Act 1990

09/00097/ ... 11 SEP 2009 - SMJ

Publication of applications on planning authority websites.
Please note that the information provided on this application form and in supporting documents may be published on the Authority's website.
If you require any further clarification, please contact the Authority's planning department.

Part 1

1. Applicant Name, Address and Contact Details

Title: | First name: | Surname:

Company name: Manifold Commercials Limited

Street address: Adderley Mill
Adderley

Town/City: Cheadle
County: Staffordshire Moorlands
Country:
Postcode: ST10 2NJ

	Country Code	National Number	Extension Number
Telephone number:			
Mobile number:			
Fax number:			

Email address:

Are you an agent acting on behalf of the applicant? (•) Yes ( ) No

2. Agent Name, Address and Contact Details

Title: | First Name: Sammons Architectural Ltd | Surname: .

Company name: Sammons Architectural Ltd

Street address: 10
Cawdry Buildings
Fountain Street

Town/City: Leek
County: Staffordshire
Country: United Kingdom
Postcode: ST13 6JP

	Country Code	National Number	Extension Number
Telephone number:		01538 386002	
Mobile number:			
Fax number:			

Email address: david@sammonsltd.co.uk

3. Site Address Details

Full postal address of the site (including full postcode where available)

House: 0 Suffix:

House name: Adderley Mill

Street address: Adderley

Cheadle

Town/City: STOKE-ON-TRENT

County:

Postcode: ST10 2NJ

Description of location or a grid reference
(must be completed if postcode is not known):

Easting: 399147

Northing: 343928

Description:

4. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application? (•) Yes ( ) No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title: Mr First name: R Surname: Duncan

Reference: 09/00622/REM-1

Date: 10/09/2009

Details of the pre-application advice received:

An application incorporating restrictions on working hours to within the building after a certain time, along with restrictions on no external working, noise attenuation measures etc. is likely to be supported.

5. Description of Proposal

Please provide a description of the approved development as shown on the decision letter:

Replacement commercial building

Application reference number: 09/00066/FUL Date of decision: 29/05/2009

Please state the condition number(s) to which this application relates:

Condition number(s):

3 and 18

Has the development already started? ( ) Yes (•) No

6. Condition(s) - Removal

Please state why you wish the condition(s) to be removed or changed:

Condition 18 to be removed. Reasons set out in Planning Statement.

If you wish the existing condition to be changed, please state how you wish the condition to be varied:

Condition 3 to be amended to read:-
All operations on site outside the hours of 07.00 and 20.00 Monday-Friday and 07.00 and 13.00 Saturday shall be confined to within the proposed building and with the doors closed.

7. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land? (•) Yes ( ) No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

(•) The agent ( ) The applicant ( ) Other person

8. Certificates (Certificate A)

Certificate of Ownership - Certificate A
Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of any part of the land or building to which the application relates.

Title: Mr First name: David Surname: Breakwell

Person role: Agent Declaration date: 11/09/2009 ☒ Declaration made

8. Certificates (Agricultural Holdings Certificate)

Agricultural Holding Certificate
Town and Country Planning (General Development Procedure) Order 1995 Certificate under Article 7

Agricultural Land Declaration - You Must Select Either A or B

(A) None of the land to which the application relates is, or is part of an agricultural holding. (●)

(B) I have/The applicant has given the requisite notice to every person other than myself/the applicant who, on the day 21 days before the date of this application, was a tenant of an agricultural holding on all or part of the land to which this application relates, as listed below: ( )

Title: Mr | First Name: David | Surname: Breakwell

Person role: Agent | Declaration date: 11/09/2009 | ☒ Declaration Made

9. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. ☒

Date 11/09/2009