

Mr Howard Clulow c/o  
M J Barrett (Construction) Staffs Ltd  
Brookside Business Park Brookside Road  
Uttoxeter  
Staffs  
ST14 8AT

Miss J Harrison  
Home Farm Green Lane  
Ashbourne  
DE6 2BL

Application no: SMD/2016/0697

Determined on: 20/03/2017

**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:**

Unit 8, Churnetside Business Park, Unit 8, Station Road, Cheddleton,  
Staffordshire, ST13 7EE.

**Description of Development:**

Reconstruction of existing building and subdivision into 4 units (mixed use class B1, B2, B8)

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 permitted shall be carried out in accordance with the following approved plans:

- A-135-04 – plans as existing
- A-135-103 – Plans and elevations
- A-135-104 – Site Location Plan

- A-135-107 – Scheme Proposals

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

3. No development shall be commenced until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- External facing materials, including roller shutter doors, and,
- Boundary palisade details finish.

Development shall thereafter be undertaken in accordance with the approved details prior to the development being brought into use.

**Reason:** To ensure that the external appearance of the development is satisfactory.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), there shall be no permitted change of use from the premises to B1(a) Offices unless a further planning permission has first been granted on application to the Local Planning Authority.

**Reason:** In the interests of proper planning, particularly settlement hierarchy in respect of appropriate location for office development.

#### Highways

5. 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. These areas shall thereafter be maintained free from obstruction for the parking and turning of vehicles.

**Reason:** In the interests of highway safety.

6. The development hereby permitted shall not be commenced until details of the 2.4m x 43.0m visibility splay to the south west across the site frontage excluding the palisade fencing, at the north site access has been submitted to and approved in writing by the Local Planning Authority. The visibility splay shall be provided in accordance with the approved plan prior to the development being brought into use and shall thereafter be kept free of all obstructions to visibility (excluding the palisade fencing) over a height of 600 mm above the adjacent carriageway level.

**Reason:** In the interests of highway safety.

7. The premises, the subject of the application, shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable) to promote travel by sustainable modes which are acceptable to the Local Planning Authority and shall be implemented in accordance with the timetable set out therein, unless otherwise agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting sustainable transport measures shall be submitted annually, on each anniversary of the date of the planning consent to the Local Planning Authority for approval for a period of five years from the first occupation of the development.

**Reason:** In the interests of highway safety.

### Flood Risk / Drainage

8. The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), dated October 2016 reference w10173-161013-FRA and the following mitigation measures detailed within the FRA:

- Ground floor finished floor levels are set no higher than 136.56m above Ordnance Datum (AOD) - section 10.1,
- Flood resilient construction will be used within the replacement building - Section 10.2, and,
- Implementation of the flood warning and evacuation plan including the identification and provision of safe route(s) into and out of the site to an appropriate safe haven - section 11.1 to 11.3.

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

9. The development hereby permitted shall not be commenced until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details.

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

10. Foul and surface water shall be drained on separate systems.

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

11. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

### Amenity

12. 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 protect the amenities of the area.

13. 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.

**Reason:** To protect the amenities of the area.

14. 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.

**Reason:** To protect the amenities of the area.

15. The design and construction criteria for development of the relevant buildings/premises shall have regard BS 8233:2014 (British Standard 8233:2014 Guidance on sound insulation and noise reduction for buildings). The design criteria shall achieve sufficient noise reduction to ensure that the noise from the activities generated inside the fabric of the relevant buildings/premises 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. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014.

**Reason:** To protect the amenities of the area.

16. No vehicles may arrive, depart, or loaded/unloaded within or adjoining the site except between the hours of 06.00 and 22.00 Mondays to Fridays and 08.00 and 13.00 hours on Saturday and at no time during Sundays and Bank Holidays.

**Reason:** To protect the amenities of the area.

17. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development shall not recommence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed in writing by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exists to any identified receptors, development shall not recommence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health,

buildings and other property and the natural and historical environment has been prepared, and approved in writing of the Local Planning Authority. The approved remediation scheme shall be implemented in full prior to the development being brought into use.

**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.

### **Informative(s)**

1. This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 187 of the NPPF the Council has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.
2. In relation to flood resilient construction, the Environment Agency would recommend electrical sockets and control units are set a minimum of 600mm above the 100 plus 20% for climate change levels.
3. It should also be noted that the Environment Agency will only accept proposals in this highest risk flood zone (aside from Water Compatible uses as defined in Table 2 Flood Risk and Flood Zone tables of the Planning Practice Guide), that are redevelopments with no increased footprint and include betterment either to the safety of occupiers or the resilience of the built development.

X *B.S. Haywood*

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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 [buildingcontrol@staffs Moorlands.gov.uk](mailto:buildingcontrol@staffs Moorlands.gov.uk)
2. 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.
3. 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.staffs Moorlands.gov.uk](http://www.staffs Moorlands.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.
4. 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.
5. 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.
6. 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.
7. 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.

8. 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.
9. 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.
10. 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>
11. 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.
12. 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.
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