STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Rob Duncan
Rob Duncan Planning Consultancy Ltd
70 Ferndale Road
Lichfield
WS13 7DL

Mr Harrison
Broad Oak Lane
Nr. Cheadle
ST10 2EL

Application no: SMD/2018/0279

Determined on: 11/09/2018

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:
Travellers Rest Leek Road Leekbrook Staffordshire ST13 7DR

Description of Development:
Change of use from public house to convenience retail (A1)

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 plans and specifications as follows:-
1514-08
1518-08 revised 11-08-18

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

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3. The development hereby permitted shall not be commenced until details of the following off-site highway works have been submitted to and approved in writing by the Local Planning Authority:
- widening of bellmouth vehicular access;
- Extension of the existing footway on the A520 to the north of the site to the site access with a minimum width of 2m

The off-site highway 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 and pedestrian access.

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

5. The development hereby permitted shall not be brought into use until details of the surface water drainage interceptor, connected to a surface water outfall or drained to SUDS principles, 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.

6. 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 protect the amenities of the area.

7. The machinery, plant or equipment including 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. The details and location of any plant or machinery to be installed under this permission shall be submitted to and approved of in writing by the Local Planning Authority.

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Reason: To protect the local amenities from noise.

8. Details of all external artificial lighting to be installed as part of the development hereby permitted shall be submitted to and approved by the Local Planning Authority prior to development commencing. The lighting shall not increase the pre-existing illuminance at the adjoining light sensitive locations when the light (s) is (are) in operation. External lighting shall only operate 30 minutes before and after store opening times and shall be set to a timer. No external lighting shall be installed except in complete accordance with the approved details.
Reason: To protect the local amenities of the local residents by reason of excess of illuminance

9. There shall be no deliveries (with the exception of newspaper deliveries) between the hours of 21.00 hours and 07.00 hours Monday to Saturday inclusive, and not between the hours of 21.00 hours and 10.00 hours on Sundays and Public or Bank Holidays.
Reason:- To safeguard the amenity of neighbouring residential occupiers.

10. The retail unit hereby approved shall only be open for business between the hours of 07.00 hours to 22.00 hours Monday to Sunday unless otherwise agreed in writing by the Local Planning Authority.
Reason:- To safeguard the amenity of neighbouring residential occupiers.

11. The Class A1 retail sales area of the floorspace hereby permitted shall not exceed 200 sq.m net trading area and notwithstanding the provisions of Class A1 of the Town and Country Planning (Use Classes) Order 2015 or any provision equivalent to that Use Class in any Statutory Instrument, the sales shall be restricted to convenience retail goods and there shall be no sale of comparison retail goods.
Reason: - To define the permission for the avoidance of doubt and to protect the vitality and viability of town centres.

Informatives

1. This is considered to be a sustainable form of development and so complies with the provisions of the NPPF

2. The conditions requiring widening of the bellmouth and connection of the footway 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 (nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.
https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx

3. The condition requiring off-site highway works (footway extension) shall require a Highway

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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 (nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.
https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx

4. The applicant is advised to add security measures to the shop use in accordance with the Staffordshire Police consultation response letter dated 19.7.18 which can be viewed on the Planning Applications section of the Council website.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of 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

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.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.

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.

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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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