STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Ms Nicola Pearce
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1 Market Street
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SK17 6JY

Mr Lambert
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Buxton
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Application no: SMD/2018/0439

Determined on: 4th October 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:
Unit 3a and 3d Churnet Park Macclesfield Road Leek Staffordshire ST13 8YH

Description of Development:
Change of use from industrial B class to D2 fitness suite

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: 01A; 02A; and 03A

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

3. The use hereby permitted shall only be conducted between 06:00 hours and 09:15pm unless otherwise agreed in writing by the Local Planning Authority

Reason:- In order to maintain the amenities of the area.

4. Prior to the use hereby permitted commencing a site specific scheme for protecting the existing industrial units from noise caused by the proposed development shall be submitted to, and approved in writing by the Local Planning Authority. The scheme for development of the relevant buildings/premises shall have regard for 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 ensure that the relevant noise levels set out in BS8233:2014 are achieved at any adjoining premises in separate occupation.

   The Scheme shall include the following:

   (a) A site specific noise assessment taking account of the proposed noise impacts from the gym/studio operation including noise from music, dance, weights dropping and fitness machine. The assessment shall consider the potential for low frequency noise transfer to the existing unit.

   (b) The assessment shall consider the existing occupier adjoining this site as an executive office as set out in BS8233:2014 (table 6).

   (c) The assessment shall consider the existing party wall as single brick unless information is provided to prove otherwise.

   (d) A proposed mitigation (sound insulation) scheme to take account of the wall treatment (airborne transmission), floor treatment (structure borne) and flanking transmission prevention (Pipes, ducts, pillars and gaps).

   (e) The assessment shall be undertaken in consideration of BS8233:2014, Noise from Pubs and Clubs, Final Report (DEFRA 2005) and any other relevant standard which may include BS4142:2014 if appropriate.

   The approved scheme shall be implemented in full prior to the use hereby permitted commencing.

Reason:- To protect the amenity of neighbouring office workers

Informative

1. The applicant should be advised that any signage advertising the new approved use will require a seperate Advertisement Consent application to be made to the Local

Planning Authority

2. The application has been assessed and determinde in line with all relevant local development plan policies and the NPPF. In line with paragraph 55 of the NPPF, an appropriate pre-commencement condition has been agreed in writing with the applicant. Subject to this condition, the application has been found to constitute a sustainable form of development in line with paragraph 11 of the NPPF

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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