STAFFORDSHIRE moorlands DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Mr Badwal
Grove Farm
Kingsley Road
Stoke on Trent
Staffordshire
ST9 0DJ

Application no: SMD/2020/0415

Determined on: 17th December 2020

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:
Kingsley Moor Filling Station, Leek Road, Kingsley Moor, Staffordshire, ST10 2EJ

Description of Development:
Change of use on land at the rear of petrol filling station to provide an attended carwash service

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 Section 91(1) of the Town and Country Planning Act 1990 (As Amended)

2. The developer shall notify the Council when the use permitted and described above commences. That use shall be limited to a 12month period from the date of that notification unless, within that 12 months: the developer, in consultation with a qualified noise consultant, submits evidence to the Local Authority to demonstrate the effect of the acoustic fence and other mitigation (noise reduction measures) on the level of noise breakout from the site; and, the Local Planning Authoity confirms in writing that they are satisfied that the fence has successfully achieved an appropriate noise reduction in those levels, when the car wash is

operating normally, and that the use can continue beyond that 12month peirod. In the event that the Local Planning Authority does not provide such confirmation, either because evidence has not been submitted or the Local Planning Authority declines to provide the confirmation, the use shall cease and the land shall be restored to its former condition at the end of that 12 month period from the date of commencement.

Reason:- In order to properly assess the effect of the existing acoustic barrier as a means of attenuating the developments impacts.

3. The use permitted and descibed above shall relate to the site and layout shown and detailed on the drawing numbered 2010/11/01 that was submitted with the application. The use shall be limited to those areas indentified on the plan with diagonal hatching as 'Hand Car Washing Area'.

Reason:- For the avoidance of doubt and the purposes of clarification.

4. The existing 'acoustic fence', already erected as a noise barrier and in place along the site's western boundary on the date of the application shall be retained and maintained throughout the life of the development and use.

Reason:- As a means of limiting impacts on neighbouring amenity.

5. The hours of operation of the car wash service shall be limited to:-
Monday - Saturdays (inclusive of Bank Holidays) - 09:00 - 18:00 hrs; and,
Sundays - 10:00 - 16:00 hrs

Reason:- As a means of limiting impacts on neighbouring amenity.

Informative

1. This application has been considered in accordance with paragraph 38 of the National Planning Policy Framework.

X

Signed by: Jane Curley

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

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.