STAFFORDSHIRE moorlands DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Mr Rob Duncan
Rob Duncan Planning
28 Ferndale Road
Lichfield
Staffordshire
WS13 7DJ

Mr Whalley
C/o Agent

Application no: SMD/2023/0419

Determined on: 9th October 2023

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:
Brown Lees Road Industrial Estate, Unit 3d, Forge Way, Knypersley, Staffordshire, ST8 7DN

Description of Development:
Change of use from B8 (Storage and Distribution) to mixed use of B8 (Storage and Distribution) and Nano-Brewery (B2)
(Granted under s.73 of the Act, this is a 'differing' permission to the existing permission ref. SMD/2021/0713, with a varied condition 5 that allows additional hours where customers can consume, drink or taste alcohol)

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 have begun before the expiration of three years from the 24th January 2022, the date of the principal permission SMD/2021/0713.

Reason:- To comply with Section 91(1) of the Town and Country Planning Act 1990 (As Amended)

2. The change of use permitted and described above shall only be carried out at the unit identified and shown on the 'Site Location Plan' and 'Proposed Floor Plan' numbered 01060 AL(0)02 Rev B that was submitted with the application. The layout and arrangement of interior room space within the unit shall be provided and used in accordance with these plans.

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance

with the National Planning Policy Framework.

3. This permission is to only use the property for the 'mixed use' purposes described and detailed above (to include the provision and use of customer seating to drink, taste and sample the produce, as an ancillary activity to that use) and for no other purposes. Specifically, the industrial use of the unit shall be limited to that of the brewing of ale and beer in an installed nano brewery as detailed in the description of development above and the plan numbered 01060 AL(0)02 Rev B. The unit shall not be used for any other industrial or business purpose, including any other purpose in Class B2 or Class E; of the Town and Country Planning (Use Classes) Order (as amended).

Reason:- In the opinion of the Local Planning Authority the premises for other uses within the same Use Class could cause harm to the amenities of the area.

4. Any machinery, plant or equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated so 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 in writing by the Local Planning Authority.

Reason:- To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.

5. The premises shall only be open to and used by customers to consume, drink or taste alcohol during the following hours:

- Monday – Thursdays: 17:00 – 23:00hrs
- Friday - Saturday: 12:00 - 01:00hrs
- Sunday: 12:00 - 23:00hrs

Reason:- To ensure that there is parking available for customers at times when the estate is otherwise quiet or inactive and to prevent customer pedestrian or vehicle movements from conflicting with other commercial traffic.

Informative

1. The proposed development is judged to be of suitable design and meets the tests of sustainability in planning. There are not judged to be any adverse implications for neighbours or wider public amenity and street scene. As the application was considered acceptable there was no need for any negotiation or amendment as would otherwise be advocated within the National Planning Policy Framework paragraph 38.

2. Any approved noise scheme and measurements should pay due regard to British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice), BS4142:2014 Methods for rating and assessing industrial or commercial sound and/or the

STAFFORDSHIRE moorlands DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

Building Regulations 2010 Document E or other appropriate guidance.

3. The granting of planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of part III of the Environmental Protection Act 1990 be received. It is the developers responsibility to ensure that brewing operations do not cause noise or odour nuisance and that such impacts are controlled through suitable internal air extraction and odour control installations and arrangements. Any equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when brewing is being carried.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

STAFFORDSHIRE moorlands DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

NOTES

1. Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting DBCP Limited, Web: dbcp.co.uk; Email: info@dbcp.co.uk ; Tel:0333 880 2000.

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.

12. Domestic sprinklers
    Fire sprinklers operate automatically even if you are not at home releasing water directly over the source of the fire and sounding the alarm, they are unobtrusive and easy to install. Sprinklers are NOT expensive; normally costing around 1-2% of the cost of construction of a new building. The use of sprinklers will usually allow design freedoms as well, which can reduce construction costs and improve usability and design freedoms of the building.
    The chance of an accidental discharge is 16,000,000:1
    If you would like further advice please contact Staffordshire Fire and Rescue Service (www.staffordshirefire.gov.uk)

13. Working smoke alarms correctly positioned in your home can save your life.
    The Fire Service recommends you have smoke alarms on every floor of your home, including in each bedroom, and make sure you test your smoke alarms at least once a month.
    Although the application of approved guidance and enforcement of regulations will give buildings the legally required baseline of fire protection, the Fire Service's viewpoint is many of these fall short of what we would consider adequate. This is why we campaign for the inclusion of sprinklers.