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Aldi Stores Ltd
C/o Agent

Application no: SMD/2022/0244

Determined on: 29.08.2024

**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:

Industrial Agricultural Engineering Brookhouse Way Cheadle Staffordshire ST10 1SR

Description of Development:

Demolition of existing buildings on site. Redevelopment to provide a foodstore (Class E) and associated access, car parking and landscaping works.

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):

Time Limit

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)

Plans

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- J21A15 – P001C – Site Location Plan
- J21A15 – P002C – Existing Site Plan
- J21A15 – P003G – Proposed Site Plan
- J21A15 – P004A – Proposed Floor Plan
- J21A15 – P005B – Proposed Elevations
- J21A15 – P006D – Tree Removal & Root Protection Plan
- J21A15 – P008E – Proposed Site Levels
- J21A15 – P009 – Existing Elevations
- J21A15 – P0010 – Proposed Roof Plan
- MEL-530-001 P3 – Detailed Soft Landscaping
- 0050-P02 – Proposed Drainage Layout

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

Foodstore Restrictions

3. The development hereby approved shall be occupied as a discount food store and for no other purpose within Class E of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any order following the revocation or re-enactment thereof. The gross internal floor area of the approved food store shall be limited to 1,786 square metres, of which no more than 1,315 square metres shall be used for net retail sales. There shall be:-

- a) No internal subdivision of the premises or formation of mezzanine floors,
- b) No more than 20% of the net retail floorspace shall be used for Class E(a) comparison goods retailing; and
- c) No sale or provision of pharmaceutical products available by prescription only, post office, dry cleaning, financial services, fresh fish, hot food, cheese and meat counter(s), photographic shop, mobile phone shop or café / restaurant.

Character and Appearance

4. Notwithstanding any description of materials in the application, no above ground construction works relating to the development hereby approved shall commence, until samples and full specifications of materials to be used externally on the approved buildings and site hard surfacing, together with eaves, verges, windows, door details within that phase have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall be carried out in accordance with the approved details.

Reason:- In the interests of visual amenity

5. No development shall commence above ground level until details of the positions, design, materials and type of boundary treatment, including retaining walls to be erected have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the scheme has been implemented in accordance with the approved details.

Reason:- In the interests of visual amenity

6. The planting scheme shown on Middlemarch Environmental Detailed Soft Landscaping Drg. No. MEL-530-001 Rev P3 (or subsequent revision if any further amendments are secured) shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. The trees, shrubs etc planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.

Reason:- In the interests of visual amenity

Drainage

7. The development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development.

8. The development hereby permitted shall not be brought into use until the approved drainage scheme shown in the reports below have been implemented:-

- Flood Risk Assessment (79-EXXXX-CDY-XX-XX-RP-DPM_30_30_29-0002), as appended by Proposed Drainage Layout (E79-CDY-XX-XX-DR-D-Ss-50-35-00-0050-S4-P01). Thereafter the drainage scheme shall be retained and maintained in accordance with the private drainage operations and maintenance manual (79-EXXXX-CDY-XX-XX-RP-D-PM_30_30_29-0003).

Reason: To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development.

9. The developer shall ensure that satisfactory arrangements for the control of surface water and contaminants are in place as part of any temporary works associated with the permanent development, to ensure that flood risk or contaminants to receptors are not increased prior to the completion of the approved drainage strategy.

Reason: To reduce the risk of surface water flooding to the development and surrounding properties during construction and to reduce the risk of contamination to receptors.

Ecology

10. No development hereby approved shall be commenced, until a LEMP (Landscape and Ecological Management Plan) for the site (in accordance with the recommendations of the submitted Phase 1 Habitat Study) has been submitted to and approved in writing by the Local Planning Authority, giving details of the proposed creation, maintenance, management and development, including timescales and delivery mechanisms for all landscaping / wildlife habitats and associated structures / features / within the site including (but not limited to);

- A Scheme of Biodiversity enhancement measures
- Planting of native seed/fruit bearing species which will be of value to wildlife such as:
 - native seed/fruit bearing species
 - nectar-rich species to attract bees and butterflies species which attract night flying insects which will be of value to foraging bats including evening primrose *Oenothera biennis*, goldenrod *Solidago virgaurea* and honeysuckle *Lonicera periclymenum*.
- Provision of nesting/roosting habitat, such as installation of nest boxes for species such as house sparrow, dense scrub, or native thicket for species such as song thrush, and bat boxes for species such as common pipistrelle.
- Inclusion of hedgehog passes under any fence lines to allow connectivity between the site and wider area.
- Creation of deadwood habitat for herpetofauna and invertebrate species.
- Provision of bat and bird boxes

This shall include full and accurate locations of existing and any proposed new habitats; technical specifications, timescales and phasing for the creation of any new habitats; 10-year establishment and aftercare management prescriptions for any newly created habitats and a minimum 10-year maintenance and management operations for all habitats throughout the site to be monitored and reviewed every 5 years for the site. The scheme shall be fully implemented and managed in accordance with the details and timescales so approved.

Reason:- In the interests of nature conservation

11. A buffer of at least 7 m shall be kept from the river banks. If any works (other than removal of kerbs, hardstanding and fencing) are to be undertaken within 7m of the river banks a Water Vole survey shall be undertaken to assess the potential impact to this species. The results, along with any necessary mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to any works taking place in this area. Development in this area shall only take place in accordance with the approved mitigation plan.

Reason:- In the interests of nature conservation

12. Any external artificial lighting shall be in accordance with best practice guidance relating to lighting and biodiversity (Miles et al, 2018; Gunnell et al, 2012), any new lighting shall be carefully designed to minimise potential disturbance and fragmentation impacts on sensitive receptors, such as bat species.

Reason:- In the interests of nature conservation

13. Any excavations that need to be left overnight shall be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.

Reason:- In the interests of nature conservation

14. Vegetation and building clearance shall be undertaken outside the nesting bird season (March to August). If this is not possible then any vegetation/buildings to be removed or disturbed shall be checked by an experienced ecologist for nesting birds immediately prior to works commencing.

Reason:- In the interests of nature conservation

Highways

15. Before the proposed development is brought into use, the revised bellmouth access off The Green shall be completed in accordance with submitted drawing J21A15 P0003 G.

16. Before the proposed development is brought into use details of highway works comprising pedestrian dropped crossing facilities, on both sides at each location, including tactile paving at:

- bellmouth access
- Brookhouse Way close to its junction with A521 The Green;
- Brookhouse Way close to its junction with Glebe Road;
- Glebe Road close to its junction with Brookhouse Way;
- A521 the Green close to the bellmouth access;

shall have been submitted to and approved in writing by the Local Planning Authority. The pedestrian dropped crossing facilities shall thereafter be provided in accordance with, the approved drawings before the proposed development is brought into use.

17. Before the proposed development is brought into use details of highway works comprising Vehicle Activated or Speed Indicator Device signs shall have been first submitted to and approved in writing by the Local Planning Authority. The Vehicle Activated or Speed Indicator Device signs shall thereafter be provided in accordance with the approved drawings before the proposed development is brought into use.

18. 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. The parking, turning and servicing areas shall thereafter be retained unobstructed as parking, turning and servicing areas for the life of the development.

REASONS 15 - 18

To comply with NPPF Paragraph 111; to comply with SMDC Local Plan Policy DC1; in the interests of highway safety and to comply with NPPF Paragraph 111; to comply with SMDC Local Plan policy T1 and T2; in the interests of pedestrian safety.

Environmental Health

19. Prior to the commencement of the development an air quality assessment, including the calculation of pollution damage costs, shall be carried out to determine the potential air-quality impacts in the vicinity of the proposed development and wider road network.

The assessment shall focus on nitrogen dioxide (NO₂) and airborne particulate matter (PM) and pollution damage costs shall be based upon the impact of the development following the adoption of mitigation measures agreed in writing with the local planning authority.

The methodology for the assessment and damage cost calculation shall have regard to Air quality appraisal: [damage cost guidance published by defra](#) and Good Practice Air Quality Planning Guidance and shall be agreed in writing with the local planning authority before commencement of the assessment.

Where necessary, a mitigation scheme, equivalent to the calculated damage costs for protecting future and existing residential occupiers from the effects, arising from the development, shall be submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed prior to the occupation of the building[s] hereby approved, and thereafter maintained for the lifetime of the development.

Reason: In order to safeguard the amenities of the occupiers of the proposed dwelling[s] and surrounding areas in respect of atmospheric pollution

20. No development hereby permitted shall take place except for works of site clearance and demolition until a Construction and Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

- I. the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 07.30 to 18:00 hours Mondays to

Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;

- II. the method and duration of any pile driving operations (including expected starting date and completion date);
- III. pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;
- IV. the arrangements for prior notification to the occupiers of potentially affected properties;
- V. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
- VI. No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely affect adjacent residential properties and/or other sensitive uses and/or the local environment. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression. These should be made available for inspection when required by officers of the Local Planning Authority;
- VII. a scheme for recycling/disposal of waste resulting from the construction works;
- VIII. the parking of vehicles of site operatives and visitors;
- IX. the loading and unloading of plant and materials;
- X. the storage of plant and materials used in constructing the development;
- XI. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- XII. details of measures to protect the public footpaths and amenity of users of the public footpaths crossing the site during the construction works,
- XIII. any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment,
- XIV. the details of any generator/s to be used on site. They should be sufficiently attenuated so that any noise generated shall be inaudible inside any nearby noise sensitive premise,

All works shall be carried out in accordance with the approved Plan.

Reason: To protect the amenities of the area.

21. There shall be no deliveries to the store except between the following times 0700 to 2200 Monday to Saturdays and 0900 to 2200 on Sundays and Bank Holidays with the exception of newspaper deliveries.

22. 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 rating level of noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as 46dB LA90 [1hour] (day time 07:00-23:00 hours) and/or 36dB 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+A1:2019.

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

23. The development and all mitigation shall be completed in compliance with the submitted and approved Noise Assessment undertaken by Acoustic Design Technology (ADT) Report ref: ADT3325/ENIA 29th March 2022.

Reason (common to 21 - 23):- To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.

24. Prior to first use of any external artificial lighting at the site, a scheme showing details of all lighting to be installed within the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall show that the artificial lighting incorporated into this site in connection with this development does not increase the pre-existing illuminance or cause glare at the adjoining light sensitive locations when the light (s) is (are) in operation.

Reason: To protect the local amenities of the local residents by reason of excess of illuminance.

25. All surface water run-off from outside storage, parking or vehicle wash-down areas shall pass through a properly constructed oil/petrol interceptor or such other alternative system as may be agreed in writing with the local planning authority, before discharge to the public sewer or other drainage system.

Reason: To protect the amenity of the locality, especially for people living and/or working nearby

26. No development approved by this planning permission shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, property (existing or proposed including buildings, crops, livestock, pets, woodland, service lines and pipes; buildings), adjoining land and ground and surface waters has been submitted to and approved in writing by the Local Planning Authority. The scheme must include:

- a. A site investigation scheme, based on the information already provided to support a detailed assessment of risks to all receptors that may be affected, including those off site.
- b. The results of the site investigation and the detailed risk assessment referred to in (a) and, based on these, an options appraisal and A remediation strategy giving full details of remediation objectives and remediation criteria
- c. A validation plan providing details of the data that will be collected in order to demonstrate that the all works set out in (a) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- d. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

27. Prior to bringing the development into first use, a validation report demonstrating completion of the works set out in the approved remediation scheme and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved validation plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the validation plan, and for the reporting of this to the local planning authority.

28. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition (26a) , and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (26b). Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, in accordance with condition 27.

29. No soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material shall be submitted to and agreed in writing by the Local Planning Authority prior to the soils being imported onto site. The methodology shall include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing by the Local Planning Authority.

Reason (common to 26-29):- 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

1. The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraph 38 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

2. The Planning Applications Committee requested that the applicant give consideration to support for enhanced public transport initiatives in the area.

X 

Signed by: Jane Colley Signature

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 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.