

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**24 January 2019**

<b>Application No:</b>	SMD/2018/0704	
<b>Location</b>	Adderley Mill, Adderley, Cheadle, ST10 2NJ	
<b>Proposal</b>	Demolition of existing building and the erection of a portal framed building for warehouse and welfare facility, ancillary to the existing Industrial Unit. Class B2/B8	
<b>Applicant</b>	Truck and Marine Cranes Ltd	
<b>Agent</b>	Mr. David Byatt, Byatt Oliver Associates	
<b>Parish/ward</b>	Cheadle West	<b>Date registered</b> 08.11.2018
<b>If you have a question about this report please contact:</b> Mark Ollerenshaw, tel: 01538 395400 ex 4921 or email: mark.ollerenshaw@staffsmoorlands.gov.uk		

## **REFERRAL**

The applicant Mr J Wain is Cllr Wain's son. Therefore in the interests of transparency it is considered necessary for this application to be put before members for consideration.

### **1. SUMMARY OF RECOMMENDATION**

<b>Approve, subject to conditions</b>
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### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 This application relates Adderley Mill, an industrial site positioned on the western side of the highway. The site comprises a series of derelict brick built industrial buildings located to the southern half of the site, with a modern replacement commercial building positioned centrally towards to the south western edge of the site. An attached two storey dwellinghouse is located on eastern side of the site. The dwellinghouse runs perpendicular to the highway, with the eastern gable extending to the back edge of the highway.

2.2 The site is blanketed by a Green Belt designation.

### **3. DESCRIPTION OF THE PROPOSAL**

3.1 Planning approval is sought for the demolition of the existing dwellinghouse and the erection in its place of a portal framed building

providing a warehouse and welfare facility (Use Class B2/B8) in association with the existing industrial unit.

3.2 The proposed building would be sited adjacent and parallel to the highway and is rectangular in plan with a gross internal floor area of 225 sq.m. Materials used in construction would comprise powder coated steel, profile cladding in green to match the existing industrial building on the site. Access to the proposed would be from within the site and no alteration is proposed to the existing access point.

3.3 A previous application for the demolition of the existing dwelling and construction of a new dwelling was granted in October 2016 (ref. SMD/2016/0461) with Condition 5 of that approval requiring the demolition of the existing dwelling and restoration of the land to be completed within 6 months of the first occupation of the new dwelling.

3.4 The application, the details attached to it, including the plans, and comments made by the consultees can be found on the Council's website at:-

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=127036>

#### 4. RELEVANT PLANNING HISTORY

Application Reference	Description	Outcome
SMD/1987/1221	Warehouse and storage facilities. Industrial production of ceramic raw materials. Calcination of bone ash. Offices vehicle garage facilities	Approved
SMD/2005/0629	Replacement industrial building for B2 use (modification of commercial vehicles) and construction of turning area and car part	Refused
SMD/2005/1455	Replacement industrial building for B2 use (modification of commercial vehicles), alterations to east site entrance with associated parking and turning areas	Approved

SMD/2009/0019	Replacement commercial building	Approved
SMD/2009/0699	Removal of conditions 3 and 18 from application 09/00066 (SMD/2009/0019) – hours of operation and use class restriction	Refused
SMD/2009/1133	Amendment to condition 3 and removal of condition 18 of planning approval 09/00066/FUL (SMD/2009/0019)	Approved
SMD/2016/0461	Demolition of the existing two storey dwelling and construction of new dwelling	Approved
DOC/2016/0111	Discharge of conditions 1-8 of SMD/2016/0461	Approved

## 5. PLANNING POLICIES RELEVANT TO THE DECISION

- 5.1 The Development Plan comprises of:
- Staffordshire Moorlands Local Plan (adopted 1998)
  - The Staffordshire Moorlands Local Development NPPF Core Strategy (Adopted March 2014)
  - The Minerals Local Plan (Adopted December 1999)
  - Staffordshire and Stoke-on-Trent Joint Waste Core Strategy (Adopted March 2013)

### Staffordshire Moorlands Local Plan (1998)

- 5.2 Development boundaries within the 1998 Adopted Local Plan are still in force until such time as they are reviewed and adopted through the site allocations process. Public consultation on specific site allocations has now commenced.

### Adopted Staffordshire Moorlands Local Development NPPF (LDF) (26th March 2014)

- 5.3 The Staffordshire Moorlands Local Development NPPF (LDF) is a District wide development plan which replaces the Staffordshire Moorlands Local Plan to provide a framework for delivering development up to 2026. The Core Strategy is the key LDF document. It is a strategic District wide plan which influences how and where the Staffordshire Moorlands will develop in the future. It sets out what the Council would like to achieve in each of the main towns and the rural areas outside of the Peak District National Park. The Core Strategy

provides the framework for future LDF documents which will then identify specific sites for development in the District (Site Allocations Development Plan Document) and provides detailed guidance to supplement the policies (Supplementary Planning Guidance).

5.4 The following CS (Core Strategy) policies are relevant to the application:-

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SS6c Other Rural Areas Area Strategy
- SD1 Sustainable Use of Resources
- SD4 Pollution and Flood Risk
- E1 New Employment Development
- E2 Existing Employment Areas
- R1 Rural Diversification
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting
- NE1 Biodiversity and Geological Resources
- T1 Development and Sustainable Transport
- T2 Other Sustainable Transport Measures

#### Supplementary Planning Guidance (SPG)

- Design SPG

#### National Planning Policy Framework NPPF

- Paragraph 11 Presumption in favour of sustainable development
- Chapter 4 Decision making
- Chapter 6 Building a strong, competitive economy
- Chapter 9 Promoting sustainable transport
- Chapter 12 Achieving well-designed places
- Chapter 13 Protecting Green Belt land
- Chapter 14 Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 Conserving and enhancing the natural environment

#### National Planning Policy Guidance

#### Emerging Staffordshire Moorlands Local Plan

5.4 Paragraph 48 of the NPPF states that:

*“...decision-takers may also give weight to relevant policies in emerging plans according to:*

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

### Local Plan process

5.5 The Council agreed to publish the Local Plan Submission Version for representations in February 2018. At this point, the Council agreed that the Local Plan was “sound”. Formal representations were then invited from residents, businesses and other stakeholders to provide them with the opportunity to support or challenge the soundness or legal compliance of the Local Plan. This stage in the process followed three previous public consultations since 2015 which had informed the preparation of the Local Plan alongside a comprehensive evidence base.

5.6 In June 2018, the Council subsequently agreed to submit the Local Plan Submission Version to the Secretary of State for examination. An examination in public was held in the Autumn of 2018 in order to determine whether the Local Plan is sound and legally compliant. Subject to the findings of the appointed inspector, the Local Plan is expected to be adopted in the Spring of 2019. At this point, it will supersede the adopted Core Strategy and become part of the statutory development plan for the District.

5.7 In this context, the Council’s position on the weight to be given to the policies contained in the Local Plan Submission Version in terms of the three criteria set out in Paragraph 48 of the NPPF is as follows:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as the Council has submitted it to the SoS for examination
- The extent to which there are unresolved objections to relevant policies – this varies depending on the policy in question. The Officer Comments section of this report identifies the level of outstanding objections to each policy and recommends the amount of weight to be given to them at this stage in the process
- The degree of consistency of policies with the NPPF – given that the Council has submitted a Local Plan that it considers to be sound, all policies are deemed to be consistent with the NPPF.

### Emerging Policies

The following policies are considered to be relevant to this application:

- Policy SS1 Development Principles
- Policy SS1a Presumption in favour of sustainable development
- Policy SS2 Settlement Hierarchy
- Policy SS10 Other Rural Areas Strategy
- Policy SD4 Pollution and Water quality
- Policy SD5 Flood Risk
- Policy E1 New Employment Development

- Policy E3 Existing Employment Areas, Premises and Allocations
- Policy DC1 Design Considerations
- Policy DC3 Landscape and Settlement Setting
- Policy NE1 Biodiversity and Geological Resources
- Policy T1 Sustainable Transport

## 6. CONSULTATIONS CARRIED OUT

<b>Site notice published</b>	Expiry date for comments: 21/12/2018
<b>Press notice</b>	N/A
<b>Neighbour Notification</b>	Expiry date for comments: 27/12/2018

6.1 No letters of representation received.

6.2 **Severn Trent Water Ltd**

No comments received.

6.3 **Cheadle Town Council**

No objections.

6.4 **Staffordshire County Council Highways**

No objections on highway grounds subject to a condition requiring provision of a visibility splay of 2.4m x 36m to the south.

6.5 **SMDC Ecologist**

In line with the recommendations of the Preliminary Bat Roost Assessment, further surveys need to be undertaken between May and August to assess the potential for bat roosts and bird nests. On this basis the LPA can't move to approve the application without the results of the activity surveys – needs to be deferred... could refuse for want of information. The further surveys need to be done in accordance with the Bat Conservation Trust Guidelines for date / timing and survey effort.

6.6 **SMDC Trees**

No comments received.

6.7 **Environmental Health Officer**

No objections and recommend conditions covering control of construction/demolition hours; reporting of any unexpected contamination; control of artificial lighting; noise attenuation of plant and machinery; no burning of waste on site; no use of power tools outside the building; and restriction on hours of use of the premises.

## 6.8 The Coal Authority

Originally objected to the application as the site falls within the defined Development High Risk Area and no Coal Mining Risk Assessment has been submitted. Therefore the application fails to demonstrate that the site is safe and stable to accommodate the proposed development.

Following submission of a Coal Mining Risk Assessment, the Coal Authority has withdrawn its objection and recommends a condition to require a scheme of intrusive site investigations, submission of a report of findings arising from the site investigations and a scheme of remedial works.

## 6.9 Staffordshire County Council Minerals and Waste

No comments on this application.

# 7. POLICY AND MATERIAL CONSIDERATIONS

### Policy Context

7.1 The Local Planning Authority is required to determine planning applications in accordance with the development plan, unless there are material circumstances which indicate otherwise and in determining these applications, it shall have regard to the provisions of the Development Plan, in so far as material to the application and to any other material consideration. The Council's Development Plan is formed of the Core Strategy Development Plan Document (adopted March 2014) and the Saved Local Plan Proposals Map / Settlement Boundaries (adopted 1998).

7.2 Core Strategy policy SS1 identifies that development should contribute positively to the social, economic and environmental improvements of the Staffordshire Moorlands. Policy SS1a establishes a 'Presumption in Favour of Sustainable Development' in accordance with the National Planning Policy Framework (NPPF). Paragraph 14 of the NPPF outlines that the presumption in favour of sustainable development 'should be seen as a golden thread running through both plan making and decision taking'. Planning applications which accord with policies within the Core Strategy should be approved without delay. CS Policy E1 New Employment Development states that the sustainable redevelopment, intensification or improvement of existing employment sites for new business and industrial developments will be supported provided it would not have an unacceptable impact on the amenities, character or appearance of the area and is in compliance with other policies in the Core Strategy.

7.3 Paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 145 of the NPPF confirms that the construction of new buildings in the Green Belt should be regarded as inappropriate. Paragraphs 143 and 144 comment that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

7.4 Policy SS6c relates to 'Other Rural Areas Area Strategy' and states that these areas will provide for development which meets an essential local need, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside. this policy goes on to state that the Council will meet essential local needs by, amongst other things, restricting new build development in the countryside, extension or replacement of an existing rural building in accordance with policies R1 and R2.

7.5 Policy R1 states that all development in rural areas will be assessed according to the extent to which it enhances the character, appearance and biodiversity of the countryside; and promotes the sustainable diversification of the rural economy and facilitates economic activity.

7.6 Policy DC1 states that new development should be of a high quality design and add value to the local area. Proposals should be designed to respect the site and surroundings and promote a positive sense of place. This policy also states that development should protect the amenity of the area, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping; and furthermore, provide for safe and satisfactory access and make a contribution to meeting the parking requirement arising from necessary car use.

7.7 In accordance with policy DC3 the Council will protect and, where possible, enhance local landscape by resisting development which would harm or be detrimental to the character of the local and wider landscape.

### Main Issues

7.8 The main issues for consideration in the determination of this application are:

- Whether the proposal constitutes inappropriate development in the Green Belt; having regard to the NPPF and development plan policies:

- The effect on the openness of the Green Belt and the purposes of including land within it;
- The effect on the visual amenity of the Green Belt;
- The impact on the residential amenity of nearby residents and the surrounding area;
- The impact on biodiversity and
- The impact on highway safety.

### Green Belt

7.9 This application relates to a plot positioned on the western side of the highway, Adderley, Cheadle. The site is blanketed by the Green Belt and forms part of a loose cluster of development. The immediate locality is predominantly rural in character with dwellings of varying age, design and type pepper potted along the Adderley Road. The application site comprises a series of industrial buildings, the existing cottage the subject of this application and a new dwellinghouse situated in the northern part of the site. Chapter 13 of the National Planning Policy Framework (NPPF) and Policy R1 are applicable. Policy R1 states that appropriate development should not harm the rural character of the area or any sites designated for their nature conservation, or historical interest by virtue of the scale, nature and level of activity involved.

7.10 Paragraph 145 of the National Planning Policy Framework states that the construction of new buildings should be regarded as inappropriate development in the Green Belt. Paragraph 143 states that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are exceptions to this and these are set out in the Framework. One such exception is the

- *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.*

7.11 The purposes of including land within the Green Belt may be summarised as follows:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns;
- and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

7.12 The site currently comprises the existing dwelling and areas of hardstanding and can therefore be considered to constitute redevelopment of previously developed land. There is no definition of

limited infilling within national or local policy. It is noted that the proposed building would be sited immediately adjacent to two sides of the existing mill building with the highway to the eastern boundary and the commercial yard to the north, beyond which is the applicant's new dwelling. In these circumstances it can be concluded that the proposed building would be infilling the gap between two sides of the mill with the yard and new dwelling to the north.

7.13 The key test is whether the proposal would have a greater impact on the openness of the Green Belt than the existing development. There is no definition of openness in the Framework but, in the Green Belt context, it is generally held to refer to freedom from, or the absence of, development. In this instance the existing two storey cottage would be replaced by a building with a larger footprint although the overall ridge heights of the existing and proposed structures are similar. Accordingly it is not considered that the new building would have a materially greater impact on openness than the existing cottage.

7.14 Notwithstanding this, however, Members will recall that committee previously granted planning permission for a replacement dwelling for the cottage, which has now been constructed on the opposite side of the commercial yard to the north. That consent was subject to a condition that the existing cottage was demolished. Although that work has not yet been carried out, for the purposes of this assessment, given the requirement for demolition which remains in place it is considered that the removal of cottage cannot be taken into account when considering the net impact of the development on openness.

7.15 Clearly, the proposal is of substantial scale and massing which will have some presence in the street scape and will mean that the area currently occupied by the cottage will not become "free from development" as was previously envisaged when consent was granted for the replacement. However, as noted above, the site of the proposed building is largely enclosed by existing buildings and the built form of the road and in the context of the existing mill buildings, against which the proposal will largely be viewed, together with other structures on the site, it is considered that the overall impact on Green Belt openness would not be significant. Given that the new development will be contained within the current site boundaries there will be no further encroachment into the countryside, nor would the development impact on any other Green Belt purpose.

7.16 In summary, the proposed scheme presented would not result in greater harm to openness and the proposal would therefore not be inappropriate in the Green Belt. Furthermore, the proposal would have no impact on the purposes of including land within the Green Belt. Taking the above into account, it is considered that the principle of this development is acceptable.

## Design

7.17 Policy DC1 (Design Considerations) outlines that all development should be of a high quality and add value to the local area and also be designed to respect the site and surroundings, through scale, density, layout, siting, landscaping, character and appearance, in line with the Council Design SPG. Paragraph 127 of the NPPF advises that new development should function well, add to the overall quality of the area and be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

7.18 The application site is located in an isolated location. However it has already been established that the scale and proportions of the proposed development are considered to be acceptable and unlikely to cause significant harm to the wider character or appearance of the locality.

7.19 The proposed building is considered to be of an acceptable appearance being of a utilitarian design which is appropriate in this industrial setting. Furthermore, external building materials would, in principle, reflect those of the industrial building towards the western site boundary. As specific details have not been submitted in this regard it is considered reasonable and necessary to apply a condition to require exact materials to be agreed prior to the commencement of development.

## Amenity

7.20 Policy DC1 states that new development should protect residential amenity in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

7.21 Aside from the recently constructed dwelling on the site, the nearest neighbouring residential property is South View, which is approx. 50m to the north of the proposed building. With this separation distance in mind and the nature of commercial activities already taking place on the site, there is unlikely to be any significant impact on the amenities of the neighbouring properties. In addition, the Environmental Health Officer has recommended a number of conditions which will safeguard the amenities of the neighbours. These include a restriction on the operating times of the premises and noise attenuation of any plant and machinery associated with the development.

7.22 The Coal Authority has withdrawn its objection following the submission of a Coal Mining Risk Assessment. A condition has been added to the recommendation to require a scheme of intrusive site investigations, submission of a report of findings arising from the site investigations and a scheme of remedial works.

7.23 Subject to the conditions recommended by Environmental Health Officer and The Coal Authority, and taking account of the above factors, it is not considered likely that the proposal would result in injury to nearby residential amenity or the wider environment. Accordingly, it is considered that the proposal accords with the requirements of CS Policies DC1 and SD4 and the NPPF.

### Biodiversity

7.24 The submitted Preliminary Roost Assessment undertaken and submitted during the course of the application recommends that a minimum of two further activity surveys be undertaken during the bat survey season (May to September). This is because the existing building to be demolished has a number of potential ingress/egress points and suitable roosting features and is therefore deemed as having 'moderate' potential for bats to roost and 'low' potential for birds to nest.

7.25 Whilst the recommendations of the Roost Assessment above are acknowledged, it is important to note that Condition 5 of the previous approval for the replacement dwelling, which has since been constructed, requires the existing dwelling to be demolished within 6 months of the first occupation of the new dwelling. It is considered that it would be unreasonable in these circumstances to impose a requirement upon the applicant to undertake further survey work in relation to a building which they must demolish and remove from the site in order to comply with the terms of a previous consent. However, the applicant is bound by the requirements of the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981. Bats and their roosts are legally protected. In the event that bats are encountered during demolition works, all operations would need to be immediately ceased and advice obtained from an ecologically qualified bat specialist. An informative note that has been added to the recommendation to this effect.

### Highways

7.26 In accordance with policy DC1 all new development should provide for safe and satisfactory access and make a contribution to meeting the parking requirements arising from the development. Policy T1 refers to development and sustainable transport. The policy promotes development located where the highway network can satisfactorily accommodate traffic generated by the development. Paragraph 108 of the NPPF requires local authorities in determining applications to take account of whether safe and suitable access to the site can be achieved for all users.

7.27 Staffordshire County Council Highways has commented that the demolition of the existing building and construction of the proposal will improve visibility over the existing. With the construction of the

proposed building as shown on the submitted drawing, a visibility splay to the south of 2.4m x 36m is achievable and can be conditioned. There is adequate parking within the wider site to cater for the needs of the development.

- 7.28 Accordingly it can be concluded that the proposals do not adversely impact on highway safety and thereby accord with CS Policy T1 and Section 9 of the NPPF.

## **8. CONCLUSIONS AND PLANNING BALANCE**

8.1 This application seeks approval for the demolition of an existing two storey dwellinghouse and construction of a new portal framed building. The application site is blanketed by the Staffordshire Green Belt. In accordance with Chapter 13 of the NPPF and policies SS6c and R1 of the Core Strategy, the proposed building is considered to represent limited infilling or the partial or complete redevelopment of previously developed land and would not have a greater impact on the openness of the Green Belt than the existing. Accordingly, the proposal is not considered to be an inappropriate form of development in the Green Belt. The proposed development is consistent with all of the purposes of including land within the Green Belt. For these reasons, the principle of the development is accepted.

8.2 The proposed building is of an acceptable design and scale that sufficiently respects the character and appearance of the wider area. The development would not result in significant harm to residential amenity of nearby occupiers, nor is it considered likely to result in harm to highway safety or biodiversity interests. This application is therefore considered to accord with the Staffordshire Moorlands Core Strategy and the National Planning Policy Framework.

## **9. RECOMMENDATIONS**

**APPROVE subject to the following conditions**

- 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 accordance with drawings numbered 5345-002 Site Layout Plan, 5345-003 Floor Plans and Elevations, and 5345-004 Site Location Plan.  
Reason:- For the avoidance of doubt.**
- 3. Prior to the use of any facing or roofing materials details of types and colours of the external cladding shall be submitted**

to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:- To ensure that the external appearance of the development is satisfactory.

4. Within 3 months of the commencement of development on site, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed prior to first occupation of the approved development or in accordance with a timetable agreed in writing by the Local Planning Authority.

Reason:- In the interests of visual amenity and the character and appearance of the Green Belt.

5. No development shall take place until a scheme of intrusive site investigations has been submitted to and approved in writing by the Local Planning Authority. A report of findings arising from the intrusive site investigations including where necessary a scheme of remedial works shall be submitted to and approved in writing by the Local Planning Authority before any development begins. Thereafter, the site shall be remediated in accordance with the approved measures before development begins.

Reason:- To ensure that risks from land instability and mining related hazards to the future users of the land and neighbouring land are minimized and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and the general public.

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 operation 07:30 – 18:00 hours (Monday to Friday); 08:00 – 13:00 hours (Saturday) and no working is permitted on Sundays or Bank Holidays. In this instance 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:- In the interests of residential amenity.

7. In the event that contamination, including any suspected asbestos containing materials (e.g. bonded cement), is found is any time when carrying out the approved development are is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development should not commence further until an initial investigation and risk assessment has

been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exist to any identified receptors, development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, and is subject to the approval in writing of the Local Planning Authority.

Reason:- 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.

8. The artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance at the adjoining light sensitive locations (residential) when the light (s) is (are) in operation.

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

9. 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.

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

10. No power tools or machinery which are audible at the nearest noise sensitive receptor shall be used outside the fabric of the building.

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

11. The premises shall not be used except between 08:00 hours and 18:00 hours Mondays to Friday, 08:00 hours and 13:00 hours Saturday and at no time on Sundays and Bank Holidays.

Reason: To avoid the risk of disturbance to neighbouring dwellings during unsocial hours.

**12. The development hereby permitted shall not be brought into use until the visibility splay of 2.4m x 36m to the south has been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 900 mm above the adjacent carriageway level.**

**Reason:- To comply with NPPF Paragraph 108; to comply with SMDC Core Strategy policy DC1; in the interests of highway safety.**

**In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Regulatory Services has delegated authority to do so in consultation with the Chairman of the [Planning Applications Committee], provided that the changes do not exceed the substantive nature of the Committee's decision.**

**Informatives:**

**1. This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 38 of the NPPF the Case Officer has sought additional information from the agent in respect of the volumes of the existing and proposed buildings.**

**2. In the event that bats or bat droppings are encountered during the demolition work, all operations should be immediately ceased and advice obtained from an ecologically qualified bat specialist. Work should then continue only in accordance with the specialist advice obtained and with due reference to the law including the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981.**

**3. All wild birds including their nests and eggs are protected by law. It is an offence, with certain exceptions, to kill, injure or take wild birds or to take, damage, or destroy their nests or take or destroy their eggs. Site clearance and/or demolition cannot therefore take place where there are birds nesting. Typically this will be in the period mid February to mid August. As this development involves demolition and/or other activities which would be damaging to any nesting birds present the work should avoid the bird nesting season so far as possible. If such work is to take place in the nesting season an ecologist experienced in bird nesting habits should first be engaged to advise on and ensure that the intended work can legally take place.**

**4. 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.**

5. A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition of the existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements: <http://www.hse.gov.uk/>

6. 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 Building Regulations 2010 Document E or other appropriate guidance.

7. During any demolition and construction activities (including landscaping) the contractor shall take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.

- The control of dust and emissions from construction and demolition Best Practice Guidance, produced by the greater London councils <http://www.london.gov.uk/sites/default/files/BPGcontrolofdustandemissions.pdf>
- Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456)

### Site Plan

