

MJS Transport  
Woodhead Garage  
Froghall Road  
Cheadle  
Staffordshire  
ST10 2DN

Sammons Architectural  
10 Cawdry Buildings Fountain Street  
Leek  
Staffordshire Moorlands  
ST13 6JP

MJS Transport  
Woodhead Garage  
Froghall Road  
Cheadle  
Staffordshire  
ST10 2DN

Application no: SMD/2014/0265

Determined on: 31/03/2015

**Town and Country Planning Act 1990  
Town and Country Planning (Development Management Procedure) (England) Order 2010**

**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:**

Woodhead Garage Froghall Road Cheadle Staffordshire ST10 2DN

**Description of Development:**

Erection of extension to existing warehouse/haulage building

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 approved shall be carried out in complete accordance with the submitted plans and specifications as follows:

- 2013-1895-01
- 2013-1895-02
- 2013-1895-03
- 2013-1895-04 B
- 2013-1895-06 G
- 2013-1895-07 B
- 2013-1895-08 B

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

3. The proposed materials to be used in the external construction of the proposed extension hereby permitted shall match those of the existing building.

Reason:- In the interests of the visual amenities of the area.

4. The proposed 'mesh style' powder coated boundary fence as shown on drawing ref. 2013-1895-06 G 'Site Plan – Proposal Scheme' shall not exceed 2.5 metres from ground level and shall match the existing boundary fence in both colour and profile.

Reason:- In the interests of the visual amenities of the area.

5. The approved parking and turning areas shall be surfaced in concrete and shall be provided and delineated in complete accordance with the approved details as shown on drawing ref. 2013-1895-06 G 'Site Plan – Proposal Scheme' before the development is first brought into use and shall thereafter be maintained free of obstructions for the life of the development.

Reason:- In the interests of highway safety.

6. The surface water drainage scheme hereby approved shall be carried out in complete accordance with the details as shown on drawing ref. 2013-1895-06 G 'Site Plan – Proposal Scheme'. The scheme shall be fully implemented before the development is first brought into use.

Reason:- To protect the quality of 'Controlled Waters' in the local area.

7. The machinery, plant or equipment including air condition and ventilation systems ("machinery") 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 [5 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 4142:1997. 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 before the development is first brought into use. The development hereby approved shall be carried out in complete accordance with the approved plans and specifications.

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

8. The design and construction criteria for development of the relevant buildings/premises shall have regard to British Standard BS8233: 2014 Sound insulation and noise reduction for buildings (Guidance Document). 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 not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [5 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:1997.

Reason: To ensure that the reasonable residential amenities of adjoining properties are

adequately protected from noise pollution.

9. Any noise emitted from the premises shall not result in the background noise level (L90) being exceeded by more than 5 dBA when measured and corrected in accordance with BS 4142: 1997.

Reason:- To ensure that the reasonable residential amenities of adjoining properties are adequately protected from noise pollution.

10. Before the development is first brought into use, details of all artificial lighting to be installed as part of this permission shall be submitted to and approved in writing by the Local Planning Authority. 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 when the light (s) is (are) in operation. The development hereby approved shall be carried out in complete accordance with the approved plans and specifications before the development is first brought into use.

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

11. No development shall be commenced until details of fleet and site management pollution control measures designed to reduce the likelihood of exceedences of annual air quality (AQ) objectives for Nitrogen Dioxide (NO<sub>2</sub>) at the nearest sensitive receptor(s) including a method and duration for monitoring NO<sub>2</sub> at the nearest sensitive receptor have been submitted to and approved in writing by the Local Planning Authority. After the agreed monitoring period, the results and conclusions shall be submitted in writing to the Local Planning Authority. If the results indicate:

- a) No breach of local AQ Objectives for NO<sub>2</sub> at the nearest sensitive receptor, monitoring shall cease and the proposals as submitted in the fleet and site management pollution control measures shall be maintained thereafter, or,
- b) Any breach of local AQ Objectives for NO<sub>2</sub> at the nearest sensitive receptor will require an air quality assessment to be undertaken to identify further pollution control measures that can be adopted to address these breaches. The identified pollution control measures shall include a method and duration for further monitoring for NO<sub>2</sub> at the nearest sensitive receptor, which shall be submitted to and approved in writing by the Local Planning Authority. The procedure outlined in b) shall be followed thereafter until no breach of local AQ Objectives for NO<sub>2</sub> at the nearest sensitive receptor is predicted. The approved air quality management plan shall be implemented and subsequently maintained in accordance with the approved details.

Reason:- To protect the local residents from air pollution and breaches in local air quality objectives for Nitrogen dioxide

12. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development shall not commence any further until an initial investigation and risk assessment has been completed in accordance with a scheme to be submitted to and agreed in writing 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 exists to any identified receptors, development shall not re-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 submitted to and approved in writing by the Local Planning Authority. Any such remediation scheme shall thereafter be implemented as approved.

13. No top soil shall 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 be carried out and thereafter validity evidence shall be submitted to and approved in writing by the Local Planning Authority. Any such methodology shall be implemented as approved.

Reason (12 - 13):- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14. The construction works hereby approved shall be carried out between 8am to 6pm Monday to Friday and between 9am to 1pm Saturdays and at no time on Sundays or Bank Holidays.

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

15. No tree/shrub clearance work shall be carried out between 1st March and 31st August inclusive in any year, unless the site has been surveyed in advance for breeding birds and a scheme to protect breeding birds has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason:- In the interests of nature conservation.

16. The Habitat Enhancement measures as detailed within the 'Method Statement, Mitigation and Enhancement Plan (Appendix E of the SES Preliminary Ecological Appraisal Report no. P132.T194.14 dated 28<sup>th</sup> November 2014)' and drawing ref. 2013-1895-06 G for both the application site and land outside of the application site as shown on drawing ref. 2013-1895-04 B shall be implemented in conjunction with any site clearance and prior to the start of any construction works (with the exception of no.3 which shall be implemented within the first available planting season November to March from the date of consent) within the application site as follows:-

*1. Creation of refugia / hibernacula for amphibians and reptiles:*

2 x refugia / hibernacula shall be created within the enhancement area in the locations detailed which are dryer and slightly up slope, to avoid flooding. They should be created when carrying out the site clearance, re-using clean, non-toxic materials sourced from the site where possible. These should take the form of:

- One rubble pile located in the north west of the site, 3.0m in diameter and approximately 1.0m high. To contain clean rubble only, no tarmac to be used. Can also contain dead wood.

- One soil covered hibernacula constructed to the Specification 'A' as shown in Figure E.2 within the Method Statement, Mitigation and Enhancement Plan.

*2. Re-excavation of silted up pond / wetland area:*

Area identified in east of enhancement area shall be scraped out to a depth of approximately 0.60m to form an ephemeral wet area. Slope sides to blend with surrounding habitat. Take care to avoid root damage to nearby hedgerow and tree by following natural contours of the depression and minimal excavation within 1.5m of tree / hedge base. Avoid damage to any roots greater than 25mm in diameter. Remove spoil from the site.

*3. Gap up approximately 70.0m of native hedgerow*

The 70.0m of currently defunct native hedgerow shall be gapped up along the northern site boundary, incorporating existing mature trees and hedgerow constituents where already established. Species used must be native and of local provenance where possible. Species recommended are hazel, blackthorn and holly due to damp clay soils.

*4) Bird box scheme*

Four bird boxes shall be fitted to the mature trees present in the enhancement area. Woodcrete Schwegler or similar boxes to be used as they far outlast wooden boxes. Generally boxes should be located on a north / northwest aspect to avoid direct sunlight and be placed high enough to avoid being attacked by predators such as cats. Follow manufacture's specifications for mounting. The nest box scheme should consist of:

- 4 x Schwegler 1B nest boxes with 32mm hole suitable for Great, Blue, Marsh, Coal and Crested Tit, Redstart, Nuthatch, Collared and Pied Flycatcher, Wryneck, Tree and House Sparrow.

The approved Habitat Enhancement measures shall be subsequently maintained in accordance with the approved details.

Reason:- In the interests of nature conservation.

17. Site clearance shall be strictly conducted in accordance with the 'Method Statement, Mitigation and Enhancement Plan (Appendix E of the SES Preliminary Ecological Appraisal Report no. P132.T194.14 dated 28<sup>th</sup> November 2014).

Reason:- In the interests of nature conservation.

17. Prior to the commencement of development, the 10.0m 'water vole' buffer zone along the Cecily Brook as identified on drawing ref. 2013-1895-06 G shall be instated (fenced off during construction) and shall remain free from any development for the lifetime of the permission.

Reason:- In the interests of nature conservation.

**Informative(s)**

1. The proposal is considered to be a sustainable form of development and so complies with the provisions of the NPPF.

2. The applicant / developer should refer to our 'Groundwater Protection: Principles and Practice' (GP3) document, available from our website at [www.gov.uk/environment-agency](http://www.gov.uk/environment-agency). This sets out our position on a wide range of activities and developments, including:

- Storage of pollutants and hazardous substances
- Solid waste management
- Discharge of liquid effluents into the ground (including site drainage)
- Management of groundwater resources
- Land contamination
- Ground source heat pumps

All precaution must be taken to avoid discharges and spills to ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to guidance available on our website ([www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)).

3. Surface water discharged to the watercourse shall be clean and free from pollutants.

-----  
**Signed 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 the Councils Building Control Section.
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. **A fee is payable to us for the discharge of condition. Please refer to our web site : [www.staffsmoorlands.gov.uk](http://www.staffsmoorlands.gov.uk) for details.** 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. All other types of development have a 6 month deadline for submission of appeals. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs). The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him 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. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.
8. 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





**Simon W. Baker** B.Ed MBA MIMSPA  
*Chief Executive*

Planning Act 1990.