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Application no: SMD/2016/0137

Determined on: 22/06/2016

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015

APPROVAL OF RESERVED MATTERS

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:

Land off Cresswell Old Road, Cresswell, Staffordshire ST11 9RF

Description of Development:

Reserved matters application for the erection of an industrial unit for the storage and fabrication of steel with particular emphasis on work undertaken for the local agricultural community. Pursuant to outline planning permission (SMD/2012/1136)

In pursuance of their power under the above mentioned Act, Staffordshire Moorlands District Council Planning Authority, **APPROVES** the following matters which have been reserved for later approval on the grant of outline planning permission for development: Access, Appearance, Landscaping, Layout and Scale with the following conditions:

1.The development hereby approved shall be carried out in complete accordance with the submitted amended plans and specifications as follows:-

2962.01
2962.02 Rev C dated 24.05.16
2962.03 Rev A dated 24.05.16

Reason:-

To ensure that the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.

2. The building hereby approved shall have finishing materials for the walls and roof with a colour of Moorland Green.

Reason:-

In the interests of the rural character and appearance of the area.

3. The pedestrian path and crossing shall be marked with a different colour surfacing to the rest of the hard-surfacing to be provided (including the access road) and signage shall also be provided to identify the path as a pedestrian footpath before the development is brought into use. The path shall not have kerbs and the edges shall be marked in white paint.

Reason:-

In the interests of highway and pedestrian safety.

4. Eleven parking spaces shall be provided before the development is brought into use and shall not be used for any other purpose other than for the parking of cars for staff and visitors to the site and no space shall be used for outdoor storage purposes.

Reason:-

To ensure adequate parking provision to prevent parking on the road in the interests of highway safety.

5. The development hereby permitted shall not be brought into use until the existing site access, which shall include the access crossing between the site and carriageway edge made redundant as a consequence of the development hereby permitted is permanently closed and the access crossing reinstated as verge.

Reason:-

In the interests of highway safety.

6. Before the proposed development is commenced, details shall be submitted to and approved in writing by the Local Planning Authority indicating how the proposed access to the industrial unit and revised access to the existing dwellings to the east of the site are to be differentiated and separated including markings and boundary treatment allowing adequate space for vehicle clearance. The accesses shall thereafter be constructed in accordance with the approved details and retained for the life of the development.

Reason:-

In the interests of highway safety.

7. The development hereby permitted shall not be brought into use until the visibility splays of 2.4m x 90m broadly as shown on plan no 2962-02C from the access to the east across the

frontage of the site have 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:-

In the interests of highway safety.

8. The development hereby permitted shall not be brought into use until the access to the site has been completed.

Reason:-

In the interests of highway safety.

9. The development hereby permitted shall not be brought into use until the following details have been submitted to and approved in writing by the Local Planning Authority:

- a scheme of signage directing vehicles other than cars and light vans under 3.5T GVW to turn left out of the access;
- parking of heavy vehicles;

Development shall thereafter be carried out in accordance with the approved details and be completed prior to first use and shall thereafter be retained as such for the lifetime of the development.

Reason:-

In the interests of highway safety.

10. The development hereby permitted shall not be brought into use until the access drive, parking, turning and servicing areas has been surfaced and thereafter maintained in a bound and porous material in accordance with details to be first submitted to and approved in writing by the Local planning authority. The access drive, parking, turning and servicing areas shall thereafter be surfaced in accordance with the approved details.

Reason:-

In the interests of highway safety.

11. The development hereby permitted shall not be brought into use until details of the surface water drainage interceptor, connected to a surface water outfall, has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.

Reason:-

In the interests of highway safety.

12. No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the approved development unless otherwise approved by the Local Planning Authority. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (March to August inclusive) unless otherwise agreed by the Local Planning Authority and in this case only following careful inspection by a competent person to establish that such trees, shrubs or hedgerow are not in active use by nesting birds.

Reason:-

In the interests of the character and appearance of the area and the ecological value of the site.

13. Notwithstanding the landscaping details shown on the application drawings, replacement tree, hedge and shrub planting shall be provided along the whole length of the site frontage adjacent to the Cresswell Old Lane (excluding only the area at the proposed site access). Before the commencement of development, full details of the roadside planting along with the planting and landscaping of the areas shown to be landscaped on the amended site plan, together with details of the hard landscape proposals shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- Means of enclosure
- Hard surfacing materials

Soft landscape details shall include:

- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
- Implementation timetables

Reason:-

To ensure the appropriate landscape design and in the interests of the visual amenities of the area.

14. The implemented planting scheme shall be subsequently properly maintained in accordance with good horticultural practice; any plants which are removed, die, become diseased or otherwise fail to establish within 5 years of planting shall be replaced during the next available planting season and the replacements themselves shall then be properly maintained.

Reason:-

To ensure the appropriate landscape design and in the interests of the visual and residential amenities of the area.

Informatives

1. With regard to the above landscaping conditions, the details submitted with the current reserved matters application SMD/2016/0137 suggest "low level soft landscaping" and "existing vegetation cut back and verge re-landscaped in low level planting, grass and wildflowers" but much of this is outside of the area to be kept clear for the required access visibility splays. The Planning Inspector dismissed the appeal against the refusal of the earlier 2011 application (11/00642/OUT) solely on the basis that the proposed access and splays would lead to much vegetation removal and harm to the rural character and appearance of Cresswell Old Lane. Although this new application shows a larger road-side area retained for landscaping purposes, this is considered to compensate for the loss of vegetation only if significant replacement tree, hedge and shrub planting forms part of the scheme and not proposed "low level soft landscaping" which is considered to be applicable only within the part of the frontage within the visibility splays.

Furthermore, where existing remnant hedgerow vegetation to the road frontage is not within (or can be appropriately managed to avoid encroachment into) the required visibility splays, consideration should be given to retaining this as existing established screening, supplemented as appropriate with further native hedgerow planting and ideally the odd few hedgerow trees within. If existing vegetation is beyond effective management or is in practice all encroaching within visibility requirements, it should be removed, and replaced with a new native hedgerow and trees set back behind the visibility splays. Any verge area in front of the splay should be grass seeded/turfed, and additional seeding with grassland wildflowers would also be appropriate here as indicated on the application drawing notes.

2. The conditions requiring access works shall require a Minor Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The link below provides a link to a Minor Works Information Pack and an application form for the Minor Works Agreement. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire ST16 2DH (or email to nmu@staffordshire.gov.uk)
<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>

3. The Council has sought (negotiated) a sustainable form of development which complies with the provisions of paragraphs 186-187 of the NPPF.

4. In the interests of preventing noise nuisance and protecting residential amenity, construction work should not take place outside of the following times:

-08:00 - 18:00 hours (Monday to Friday);

-08:00 - 13:00 hours (Saturday)

-No working is permitted on Sundays or Bank Holidays.

5. 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.

6. The design and construction criteria for development of the relevant buildings/premises shall have regard BS 8233:2014 (British Standard 8233:2014 Guidance on sound insulation and noise reduction for buildings). 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 [15 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 4142:2014.

7. Power tools or machinery which are audible at the site boundary/ies should not be used outside the fabric of the building.

8. Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer. Please refer to the noise related points above and also:

-Advice on controlling flies and light can be found in: Statutory Nuisance from Insects and Artificial Light (defra 2005) available as a free download <http://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/statnuisance.pdf>

-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 and refer to "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> and the Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456).

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 on 0345 605 3012.

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 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. 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 Planning Act 1990.