STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Scott Millington
Wood Goldstraw & Yorath
Churchill House
Regent Road
Stoke On Trent
Staffordshire
ST1 3RH

Ms Shenton
New Haden Pumps Ltd
Draycott Cross Road
Cheadle
Staffordshire
ST10 2NW

Application no: SMD/2016/0484

Determined on: 17/02/2017

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:
New Haden Pumps Draycott Cross Road Brook Houses Cheadle Staffordshire ST10 2NW

Description of Development:
Proposed demolition of existing office building and erection of new building comprising of use classes B1 (office) and B2 (industrial)

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:-

3135-03-02 Rev A
3135-03-03
3135-03-04

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

3. Before the commencement of works, specific details of the type, texture and colours of all finishing materials shall be submitted to and approved in writing by the Local Planning Authority and the approved materials shall be used in the development.

Reason:-
In the interests of the character and appearance of the area.

4. The building hereby approved, including the office floorspace, shall be used only by the sole company/firm occupying the remainder of the site edged red on the approved location plan in connection with the manufacturing operations of that company/firm and shall not be subdivided, sold or occupied seperately unless a further planning permission has first been granted on application to the Local Planning Authority.

Reason:-
In the interests of ensuring that B1 and B2 uses are located in the most appropriate and sustainable areas.

5. Prior to the commencement of development, the following shall be undertaken:
- A scheme of intrusive site investigations as detailed in paragraph 5.4
of the Coal Mining Risk Assessment (LC/C3147/5879 Rev A) produced by BrownfieldSolutions Ltd;
- a report of the findings arising from the intrusive site investigations shall be submitted to and approved in writing by the Local Planning Authority;
- details of a scheme of remedial works, if required, shall be submitted to and approved in writing by the Local Planning Authority.
Any agreed remedial works shall be implemented before the development hereby approved is brought into use.

Reason:-
In the interests of land stability and the protection of the development.

6. The demolition works shall be undertaken in accordance with paragraph 5.6 of the Coal Mining Risk Assessment (LC/C3147/5879 Rev A) produced by Brownfield Solutions Ltd. In

the event of any ground movement resulting from the demolition works, details of a scheme of remedial stabilisation works shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme of works shall be implemented before the construction of the building(s) hereby approved.

Reason:-
In the interests of land stability and the protection of the development.

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

Reason:-
To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

8. The boundary conifer trees shown on the site plan hereby approved (drawing 04) shall be retained and properly maintained in accordance with good horticultural practice. If any of the trees 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:-
In the interests of the appearance of the area.

9. Any waste material associated with the demolition or construction works shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment.

Reason:-
To protect the amenities of the area.

10. No development, with the exception of site clearance and demolition, shall take place until an intrusive site risk assessment has been undertaken to assess the nature and extent of any contamination on the site, in accordance with a scheme to be agreed with the Local Planning Authority. Once completed, a written report of the findings and recommendations shall be submitted and approved in writing by the Local Planning Authority. If the site risk assessment indicates that potential risks exist, development shall not commence, until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been prepared, and is subject to the approval in writing by the Local Planning Authority. 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

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effectiveness of the remediation carried out must be produced, 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.

11. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures.

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.

12. No development shall commence until details of any plant, machinery and attenuation has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the approved details prior to the first occupation of the premises.

Reason:-
To protect occupiers from noise and to safeguard the residential amenities of the nearest residential properties.

13. Prior to the commencement of any site work including any demolition and site clearance, two Schwegler 2F bat boxes shall be erected on site in locations to be determined by the applicant's appointed bat ecologist.

Reason:-
To provide a nearby bat receptor location for use in the event that bats are encountered at the development site during work.

14. At the start of demolition and work to the roof and upper areas of supporting stone work, a qualified bat ecologist shall be present on site to supervise the initial stages which shall begin with work by hand to remove roof and wall materials. Once the supervising ecologist is satisfied that no bats are likely to be present work can proceed without the ecologist being on site.

Reason:-

to ensure the appropriate safeguard of protected species.

15. All works shall take place in accordance with the specific seasonal timing arrangements set out in the applicant's submitted ecological survey at point 4 of the submitted site safeguard recommendations (page 20 of the Charnia Ecology report dated October 2016).

Reason:-
To ensure the appropriate safeguard of protected species.

Informatives

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

2. You are reminded of your responsibilities under the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 in respect of any protected species that may inhabit the site including bats and birds. There may be a requirement for a Protected Species Licence to be obtained before the proposed development can take place. Failure to carry out the requirements in accordance with the legislation risks offences being committed which could result in legal action including prosecution. 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 advice obtained.

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 vegetation clearance and/or 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. Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation, boreholes and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:
https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

5. Any form of development over or within the influencing distance of a mine entry can be dangerous and has the potential for significant risks if not undertaken appropriately. For more

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information with regard to this issue, the Coal Authority's adopted policy, Development and Mine Entries, can be found here:
https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distanceof-mine-entries

6. If any coal mining features are unexpectedly encountered during development or if any ground movement occurs during demolition works, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/coalauthority

7. Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer:

- 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/

- Any approved noise scheme and measurements should pay due regard to British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice) and the Building Regulations 2010 Document E or other appropriate guidance.

- 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.

- 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)

- If required, contamination risk assessments shall be carried out in accordance with UK policy and with the procedural guidance relating to the contaminated land regime, and should be in accordance with Planning Policy Statement 23 and the CLR Report Series 1-12:

Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.
The Local Planning Authority will determine the acceptability of reports on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post development, where the applicant had prior knowledge of the

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contamination, the applicant is likely to be liable under Part II (a) of the Environmental Protection Act 1990 and as such become and ""appropriate person"". In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.
Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this, the applicant or those acting on behalf of the applicant will be liable under part II (a) of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.
During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public property and the environment are protected against noise, dust, odour and fumes
The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted.
Contaminated materials identified for removal off site must be disposed of in an appropriately licensed landfill site.
Staffordshire Moorlands District Council is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is forwarded to the Environmental Protection Department and agreed in principle prior to site investigation works being undertaken. The Environmental Protection Department is also prepared to review draft copies of reports prior to final submission to the Planning Department in order to ensure that works undertaken are sufficient to discharge the contaminated land conditions.

8. The applicant is advised that prior to the commencement of site work, including any demolition and site clearance all site operatives involved in the development work shall be instructed as to the potential for bats to be present, the legal protection applicable to them and the steps to be taken should any bats be encountered.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

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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 at buildingcontrol@staffsmoorlands.gov.uk

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. 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.

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.

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8. 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.

9. 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.

10. 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

11. 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.

12. 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.