STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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Chief Executive

Mr Richard Harris
BHP Design
40 St Pauls Square
Birmingham
B3 1FQ

MR Ingestre
JCB World Headquarters Lakeside
Works
Rocester
ST14 5JP

Application no: SMD/2017/0400

Determined on: 13th November 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:
Jcb Earthmovers Leek Road Cheadle Staffordshire ST10 2JU

Description of Development:
Proposed car parking, reorganisation of goods in and machine dispatch areas, and new machine storage and waste areas

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 Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall take place until a Landscape and Ecological Management Plan (LEMP) detailing strategies for mitigation, compensation and enhancement as outlined in sections 4.1.3 to 4.1.5 and 5.1.2 to 5.1.5 of the Preliminary Ecological Appraisal (Wardell Armstrong June 2017) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall accord with the Landscape Masterplan (Fig L16 Rev B) and shall include:

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i. Purpose and conservation of objectives of the proposed enhancements.
ii. Detailed designs and or working methods to achieve stated objectives.
iii. Extent and location of proposed works on appropriate plans and scale maps
iv. Type and source of material used where appropriate e.g. native species of local provenance.
v. Creation and enhancements of semi natural habitats linked to Staffordshire and UK Biodiversity Action Plan priorities In particular species rich grassland broadleaved native woodland and scrub plus the enhancement of hedgerows
vi. Ponds designed with some surrounding tree planting linked to other created habitats
vii. Timetable for the implementation of works demonstrating that works are aligned with the proposed phases of the development.
viii. Creation of bird nesting features sparrows and roosting sites for bats and within created broad leaved woodland on bunds
ix. Specifications to minimise light spill into surrounding hedgerows and the adjacent countryside.
x. Lighting must demonstrate minimal impacts on foraging or commuting bats and allow birds species to exhibit undisturbed behaviour patterns.
xi. Timing and phasing of any proposed vegetation removal to minimise impacts on breeding birds.
xii. Persons responsible for implementing the proposed works.
xiii. Details of initial aftercare and long-term maintenance for different habitats for 20 years post creation
xiv. Details of monitoring and remedial measures.
xv. Details of disposal of any wastes arising from works.

The approved LEMP shall be implemented in accordance with the approved details and all features shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of biodiversity.

3. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide full details of avoidance and mitigation outlined in the Preliminary Ecological Appraisal (Waddell Armstrong 2017) and must include:

a) Risk assessment of potentially damaging construction operations.
b) Identification of biodiversity protection zones.
c) Practical measures (both physical and working methods) to avoid or reduce impacts during construction. This shall include site clearance, site set up, ground works and construction, disposal of wastes and final site clearance.
d) Detailed measures to reduce site run off, effluents or pollution.
e) The location and timing of work to avoid harm to biodiversity features.
f) Responsible persons and lines of communication.

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g) The role and responsibilities of an ecologist, ecological clerk of works or similarly competent person.
h) Use of protective fences barriers or warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period.
Reason: In the interests of biodiversity.

4. Prior to the commencement of development , an invasive non-native species protocol shall be submitted and approved in writing by the local planning authority detailing the containment, control and removal of Japanese Knotweed on site. The development shall be carried out strictly in accordance with the approved protocol.
Reason: In the interests of biodiversity.

5. Prior to the first use of the development hereby permitted a lighting strategy for biodiversity shall be submitted and approved in writing by the local planning authority. The strategy shall:

a) Identify those areas that are particularly sensitive for bats breeding or foraging birds and that are likley to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory for example for foraging.
b) Show how and where external lighting will be installed (via contour plans and technical specifications) so that it can be clearly demonstrated areas lit will not disturb or present bats or birds using their territories or having access to breeding sites or resting places.
c) The use of artificial lighting shall show it follows the protocols outlined in the Institute for Lighting Engineers document “Guidance for the Reduction of Obtrusive Lighting” (2005) and the Bat Conservation Trust’s “Artificial Lighting and Wildlife Interim Guidance: Recommendations to Help Minimise the Impact of Artificial Lighting” (2014) to minimise disturbance and sky-glow across the site.
The development shall be carried out strictly in accordance with the approved details.
Reason: In the interests of biodiversity

6. The development permitted by this planning permission shall only be carried out in accordance with the approved SUDS Strategy produced by GHW and the following mitigation measures detailed within the FRA:
    - Limiting the surface water run-off generated by the new paved areas so that it will not exceed greenfield run-off rates from the undeveloped site and will not increase the risk of flooding off-site.
    - Provision of an appropriate volume of attenuation flood storage on the site to a 100year + climate change standard.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To prevent flooding elsewhere by ensuring that storage of flood water is provided.

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7. The approved Landscape Masterplan (Fig L16 Rev B) shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. The trees and shrubs planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.
   Reason: In the interests of visual amenity

8. Within 3 months of the completion of the development, post completion noise testing to ensure compliance with the existing noise restricting conditions shall be undertaken and a report shall be submitted to and approved in writing by the Local Planning Authority The report shall include any remedial noise reduction works where required. The approved remedial works shall be carried out within 3 months of the approval of the report.
   Reason: In the interests of amenity

9. Any external lighting installed at the site shall accord with the requirements of an E2 zone under the guidance set out in the Institute of lighting Engineers Guidance for Reduction of Obtrusive Light.
   Reason: In the interests of amenity

10. 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 further until an initial investigation and risk assessment has been completed in accordance with a scheme to be 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 exist to any identified receptors, development shall not recommence 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. Following completion of the measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by 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. No phase of the development hereby permitted shall take place until a Demolition and Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

   I. the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00

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

II. the arrangements for prior notification to the occupiers of potentially affected properties;
III. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
IV. a scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The approved dust suppression measures shall be maintained in a fully functional condition for the duration of the construction phase;
V. a scheme for recycling/disposal of waste resulting from the construction works;
VI. the parking of vehicles of site operatives and visitors;
VII. the loading and unloading of plant and materials;
VIII. the storage of plant and materials used in constructing the development;
IX. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
X. details of measures to protect the public footpaths and amenity of users of the pubic footpaths crossing the site during the construction works.

All works shall be carried out in accordance with the approved details. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.
Reason: To protect the amenities of the area.

12. Prior to commencement of development a Coal Mining Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. The Assessment shall identify any necessary mitigation measures. No development shall take place except in complete accordance with the approved mitigation measures.
Reason: In the interests of public safety

13. Prior to the development commencing:
(a) A Phase1 contaminated land investigation shall be carried out and submitted to and approved in writing by the Local Planning Authority (LPA)
(b) If the Phase I contaminated land report recommends that further Phase II investigations are required to assess any actual/potential contamination risks, a supplementary Phase II investigation including a gas monitoring programme shall be carried out and the results submitted to, and approved in writing by, the LPA.
(c) If the Phase II investigations indicate that remediation is necessary, then a Remediation Statement shall be submitted to, and approved in writing by, the LPA. The remediation scheme in the approved Remediation Statement shall then be carried out in full prior to the first use of the development.
(d) If remediation is required, a Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the LPA

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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.

14. This permission shall refer to and development shall take place in accordance with the following drawings and Documents:

- Site Location Plan (amended plan received 19th September 2017)
- 17-126-SK-16-05-17/01Rev D - DEVELOPMENT MASTER PLAN (PHASE I)
- 17293/E/102 Rev T1- JCB External Lighting – Section Detail B – Car Park and CouchPerryWilkes External Lighting Proposals Report dated 2 June 2017
- Drainage / SUDS Strategy
- Noise Assessment Report ST16225 Report No.001and Wardell Armstrong letter dated 30 August 2017
- Great Crested Newt Report ST16225 Report No.002
- JC1103-D3V2 Photo Plan Figure L3
- JC1103-D3V2 Photo Plan Figure L4
- JC1103-D3V2 Photo Plan Figure L5
- JC1103-D3V2 Photo Plan Figure L6
- JC1103-D3V2 Photo Plan Figure L7
- JC1103-D3V2 Photo Plan Figure L8
- JC1103-D3V2 Photo Plan Figure L9
- JC1103-D3V2 Photo Plan Figure L10
- JC1103-D3V2 Photo Plan Figure L11
- JC1103-D3V2 Photo Plan Figure L12
- JC1103-D3V2 Photo Plan Figure L13
- JC1103-D5V1Cross Sections Figure L14
- JC1103- D5V1Cross Sections Figure L15
- JC1103-D6V1 Landscape Master Figure L16 Rev B
- *Landscape and Visual Impact Assessment (LVIA)*
- Tree Survey Report
- Planning Statement
- Heritage Statement
- JCB-BWB-GEN-XX-RP-TR- Transport Statement S2

Unless otherwise amended by the conditions set out above
Reason: For the avoidance of doubt.

Informative

1.The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

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Signed by: Jane Curley

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.
13.