

Stephen Wherry
Structural & Technical Systems
96 Green Lane
Buxton
SK17 9DJ

R Hopkins
B Barnfield Road Industrial Estate
Leek
ST13 5QG

Application no: SMD/2017/0557

Determined on: 20th December 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:

Barnfield Road Industrial Estate Barnfields Close Leek Staffordshire ST13 5QG

Description of Development:

Replacement building for Builders merchant

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 91(1) of the Town and Country Planning Act 1990 (As Amended)

2. The development hereby permitted shall be carried out in accordance with the following approved plans: ML0 rev A , ML 1 rev B, ML2 rev A, ML3 revB, ML4 rev B, ML5 rev A, ML6 revB, ML7 rev A, ML8 and ML 9

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

3.The building hereby permitted shall not be brought into use until the new access to the site within the limits of the public highway has been completed

Reason:- To comply with NPPF Paragraph 32; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety

4.The existing and previous site accesses, which shall include the access crossing between the site and carriageway edge made redundant as a consequence of the development have been first submitted to and approved in writing by the Local Planning Authority. The existing site accesses made redundant as a consequence of the development hereby approved shall thereafter be reinstated as footway with full height kerb in accordance with the approved plans.

Reason:-To comply with NPPF Paragraph 32; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety and to avoid a proliferation of redundant vehicle access crossings

5. The development shall incorporate the sustainable drainage measures set out in the Design and Access statement

Reason:- To prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

6.Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities during construction and demolition shall be restricted to the following times of operations.

- "" 08:00 - 18:00 hours (Monday to Friday);
- "" 08:00 - 13:00 hours (Saturday)
- "" No working is permitted on Sundays or Bank Holidays.

In this instance a 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: To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours

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 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 exists 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 prepared, and is subject to the approval in writing of the Local Planning Authority. The approved remediation shall be implemented in full prior to the development being brought into use.

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 development, including demolition hereby permitted shall take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction and Environmental Method statement shall include the following details:-

- I. A scheme to minimise dust emissions arising from demolition/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.
- II. Details of wheel washing facilities. All demolition/construction vehicles shall have their wheels cleaned before leaving the site;
- III. a scheme for recycling/disposal of waste resulting from the demolition/construction works;

Once approved, all relevant activities on the site shall be carried out in accordance with Construction and Environmental Method Statement throughout the course of the development. Any alteration to this Statement shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.

Reason: To protect the amenities of the area from dust

9. Prior to the proposed development coming into use a scheme of external lighting shall first have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

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

10. 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.

11. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times Monday to Friday 07:00 to 18:00, 07:00 to 18:00 Saturday; not at any time on Sundays, Bank or Public Holidays.

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

12. The facing brick to be used in the construction of the building hereby approved is as follows:- Ibstock Anglian Beacon Sahara unless otherwise agreed in writing

Reason:- To ensure an acceptable external finish

13. Prior to the development commencing details of the colour of the cladding proposed for the walls and roof shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details

Reason:- To ensure an acceptable external appearance

14. Details of any proposed external boundary fencing shall be first submitted to and approved in writing by the Local Planning Authority and installed prior to the building first coming into use in accordance with the agreed details

Reason:- To ensure an acceptable external finish

15. The building hereby permitted shall be used as a builders merchants and for no other purpose including any other purpose falling within Class A1 of the Town and Country Planning (Use Classes) Order 1987 as amended. The range and type of goods to be sold from the building hereby permitted shall be restricted to the following: DIY, building and construction products, materials and tools, and garden goods. For the avoidance of doubt there shall be no sale of food, clothing or footwear (other than workwear).

Reason: To protect the vitality and viability of the town centre.

Informative

1. This is a sustainable form of development which complies with the NPPF.

2. The access crossing to the site shall be constructed in accordance with the submitted drawing and SCC requirements. Please note that prior to the access being constructed you require Section 184 Notice of approval from Staffordshire County Council. The link below provides a link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. 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/>

The existing access crossings to the site shall be reinstated to footway with full height kerb in

accordance with drawings to be submitted. Please note that prior to the reinstatement works taking place you require a Permit to Dig. Please contact 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)

X *B.J. Haywood*

Signed by: Ben Haywood

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 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.
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.
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