STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Ivan J. Cooper (Moorside) Ltd
Moorside Drive
Ellastone Road
Cauldon Low
Stoke-on-Trent
ST10 3ET

Mr Gary Moores
P H Winterton and Son
Moorside Works
Cauldon Low
Stoke-on-Trent
Staffordshire Moorlands
ST10 3ET

Application no: SMD/2016/0408

Determined on: 16/02/2018

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:
Moorside Works, Ellastone Road, Cauldon Low, Staffordshire Moorlands ST10 3ET

Description of Development:
Retrospective planning permission for the re-instatement of fire damaged building, retention of a dust extraction unit and canopy extension and proposed covered storage area.

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 approved shall be carried out in accordance with the details as submitted in the application form and submitted specifications and as shown in drawings:
3562-01D Site and Location Plans revision D
3562-02C Existing and Proposed Building Plans revision C
3562-04B Existing and Proposed Elevations revision B
Reason: To ensure that the development is carried out in accordance with the submitted details and approved plans, in the interests of good planning, for clarity and the avoidance of doubt.

2. The external colour finish of the dust extractor unit and the metal sheet wall cladding and roofs of the buildings hereby approved shall be dark green to match the colour of the existing buildings and there shall be no variation without the prior consent in writing of the

Local Planning Authority.
Reason: To ensure that the works harmonise with the existing development and are suitably coloured to minimise prominence in the rural setting.

3. Notwithstanding the details submitted in respect of lighting a scheme of lighting in relation to the developments hereby approved shall be submitted for the approval in writing by the Local Planning Authority. No external lighting shall be installed except in accordance with the details as subsequently approved.
Reason: In the interests of amenity for the surrounding locality and to minimise light pollution and sky-glow for the rural landscape.

4. Within four months of the date of this consent there shall be submitted to the Local Planning Authority (LPA) a scheme of landscape hedge and tree planting for the LPA to approve in writing. Such a scheme shall include full details of all new tree, shrub and hedge planting, giving specification for species, positions, planting sizes and numbers/densities of all new planting, together with management proposals for existing trees and hedgerows to be retained along with measures for their protection in the course of the development. The landscaping scheme as approved in writing by the Local Planning Authority shall be fully implemented before the end of the first available planting season (November to February inclusive) following the date of this consent. Any plants which die or are lost or otherwise fail to establish in the first five years following the completion of the planting shall be replaced in the next available planting season with plants of the form and size as originally planted. The planting shall thereafter be allowed to grow and be maintained for the lifetime of the development.
Reason: In the interests of the visual appearance of the development and the amenities of the area.

5. Before the installation of any boundary fencing the details shall be submitted to the Local Planning Authority for written approval and shall be completed in accordance with the design details as subsequently approved.
Reason: In the interests of the visual appearance of the development and the amenities of the area.

6. All noisy activities 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 anti social hours.

7. The noise generated by the dust extractor being operated under this permission shall not exceed 45 dB(A) when measured at the nearest residential property, Moorside Farm, Cauldon Lowe as set out in Appendix F of the Noise Impact Assessment. For the purposes of the above and subsequent measurements and comparisons, all noise levels are to be expressed as Laeq [15mins] and all measurements shall be pursuant to the requirements of BS4142:2014 Methods for Rating and Assessing Industrial and Commercial Sound. Upon

reasonable request from the LPA a compliance monitoring exercise shall be undertaken and a report shall be produced containing all raw data and showing how calculations have been made. A copy of such report shall be submitted to the Local Planning Authority for its approval in writing.
Reason: To ensure that the reasonable residential amenities of neighbouring properties are adequately protected from noise pollution.

8. The hours of operation of the dust extractor hereby approved for installation at this site shall not extend beyond the following:
Monday to Friday 07:00 to 19:00
Saturday 07:00 to 17:00
There shall be no operation on Sundays and Bank Holidays.
Reason: To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.

9. There shall be no visual emissions of dust from the site. Visual assessments of external emission points shall be made and recorded at least once throughout the day with particular attention paid to areas where vehicles are filled with wood waste and wood dust, and any external vents. If emissions of dust are observed the operator shall investigate the cause and undertake remedial action immediately or adjust the process or activity to minimise those emissions and shall promptly record the events and actions taken.
Reason: To protect the amenity of neighbouring properties and public footpath users.

10. Loading of wood dust and wood particles onto vehicles prior to removal from site shall be done in such a way as to minimise the escape to air of particulate matter. Material that may give rise to dust emissions shall be removed from site in totally enclosed containers to minimise the escape to air of particulate matter.
Reason: To protect the amenity of neighbouring properties and public footpath users..

11. All spillages of dusty material shall be cleared as soon as possible by vacuum cleaning, wet methods, or other appropriate techniques. Dry sweeping of dusty spillages shall not be carried out.
Reason: To protect the amenity of neighbouring properties and public footpath users.

Informatives

1. In respect of condition 3 – external lighting – it is recommended that the Institute of Lighting Engineers document “Guidance for the Reduction of Obtrusive Lighting” (2005) is taken into consideration

2. A public footpath right of way passes through the site and this must not be obstructed at any time during the development and must remain available for public use on foot at all times both during development and on completion. Should temporary closure or diversion be necessary to allow the works to proceed then application should be made to the Staffordshire County Council Public Rights of Way officer. Contact: Rights of Way, Staffordshire County Council, 2 Staffordshire Place, Tipping Street, Stafford ST16 2DH. Email: rightsofway@staffordshire.gov.uk Tel: (01785) 277244 or 277247.

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

• Medium Combustion plant directive: The applicant is advised that in the future the plant may fall under the scope of the EU Medium Combustion Plant (MCP) Directive (2015/2193) which aims to limit certain pollutants into the air from medium combustion plants from the combustion of fuels in plants with a rated thermal input equal to or greater than 1 megawatt (MWth) and less than 50 MWth. Further Information on the Medium Combustion Plant Directive can be found here:
http://ec.europa.eu/environment/industry/stationary/mcp.htm

• Any approved noise scheme and measurements should pay due regard to British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice), BS4142:2014 Methods for rating and assessing industrial or commercial sound and/or the Building Regulations 2010 Document E or other appropriate guidance.

4. The proposed development is judged to be of suitable design and meets the tests of sustainability in planning. Subject to the planning conditions attached there are not judged to be any adverse implications for neighbours or wider public amenity and street scene. Amended plans were agreed with the agent in the course of the determination in accordance with the principles of negotiation and amendment as advocated in the National Planning Policy Framework paragraphs 186-187.

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 BControl@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.