STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

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Chief Executive

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ST8 6EE

Application no: SMD/2017/0373

Determined on: 13/12/2018

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:
Victoria Business Park Plots 12 To 15 Prospect Way Knypersley Staffordshire

Description of Development:
Proposed construction of Builders Merchants, Covered storage area and open yard storage

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 accordance with the following submitted plans and subject to the following conditions and/or modifications:-

1708/03 Rev A and 1708/04;

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

3. The development hereby permitted shall not be commenced until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the proposed building(s), have been submitted and approved in writing by the Local Planning Authority. There shall be no variation in these levels without the written approval of the Local Planning Authority.
Reason:- In order to ensure the satisfactory appearance of the development and its relationship to surrounding land.

4. The development hereby permitted shall not be brought into use until the access to the site between the carriageway and the site boundary has been completed.
Reason:- In the interests of highway safety and planning policy compliance.

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

- construction detail of access;
- surface water drainage interceptor sited on the site boundary;

The 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 and planning policy compliance.

6. The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plan 1708 04. The parking turning and servicing areas shall thereafter be retained unobstructed for the purposes of parking, turning and servicing for the life of the development.
Reason:- In the interests of highway safety and planning policy compliance.

7. The development hereby permitted shall not be commenced until samples and details of the types and colours of all roof and facing materials together with hard surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and be retained for the lifetime of the development.
Reason:- To ensure that the external appearance of the development is satisfactory.

8. The development hereby permitted shall not be commenced until details of all walls, fences and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the occupation of any of the buildings on the site and retained for the lifetime of the development.
Reason:- In the interests of visual amenity and securing a well-designed development.

9. The development, including any demolition hereby permitted shall not take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method statement shall include the

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Chief Executive

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 Method Statement shall be approved in writing by the Local Planning Authority prior to any deviation from it.

Reason:- To protect the amenities of the area.

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 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 submitted to and approved 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 effectiveness of the remediation carried out must be produced, 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. Any waste material associated with the demolition or construction 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.

12. Prior to the commencement of development details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the type of light, positioning within the site and details of the level of luminance

(including confirmation of static or intermittent light source). No external lighting shall be installed except in accordance with the approved details.
Reason:- In the interests of amenity.

13. Prior to the commencement of development drainage details shall be submitted to and approved in writing by the Local Planning Authority. The details shall include;

- Conventional pipe surface water system with no discharge limitations;
- System designed so as not to flood above ground for the 30yr event and no buildings should be flooded for the 100yr event + climate change;
- System to include a suitable petrol interceptor in case of spillages in the parking or loading areas.

No development shall take place except in complete accordance with the approved details.

Reason:- To prevent flooding by ensuring a satisfactory surface water system for the site.

14. No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the approved development, unless otherwise approved in writing 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 in writing 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 species and habitat protection.

15. Before the commencement of development (including any site clearance, stripping, regrading, site establishment or formation of new access) a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include full details of all new tree and shrub planting, giving specification for species, positions, planting sizes and numbers/densities of all new planting. The landscaping scheme so approved 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 and ecology.

16. Prior to the commencement of development a scheme of habitat enhancement and management for the residual undeveloped parts of the site and adjoining Council or developer controlled land shall be submitted to and approved in writing by the Local Planning Authority. Details shall include a timetable for implementation, management and maintenance. The works shall then be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
Reason:- In the interests of habitat and ecological management.

17. Outside storage shall be limited to those areas as shown on the above approved plans and shall not exceed a height of 4.0m.
Reason:- To safeguard the visual amenities of the area and in accordance with the applicants intentions.

18. The premises hereby permitted shall be used solely as a Builders Merchants (sui generis) and for no other purpose (including any other purpose falling within Class A1 of the Town and Country Planning (Use Classes) Order 1987. The range and type of goods to be sold from the premises hereby permitted shall be restricted to the following: DIY, building and construction products, materials and tools; garden goods; furniture, carpets and floor coverings; camping, boating and caravanning goods; motor vehicle and cycle goods; and bulky electrical goods. For the avoidance of doubt there shall be no sale of food, clothing or footwear (other than workwear).
Reason:- To restrict the range of goods to protect the vitality and viability of Biddulph Town Centre and in accordance with the National Planning Policy Framework.

19. Development shall not commence until a ground gas risk assessment has been completed in accordance with a scheme to be agreed in writing with the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and agreed in writing by the Local Planning Authority. If the risk assessment indicates that gas protection measures are required, details of the gas protection scheme must be submitted to and agreed in writing with the Local Planning Authority prior to installation.

Prior to the development being first brought into use, a validation report demonstrating completion of the works set out in the approved gas protection scheme shall be submitted to and approved in writing by the Local Planning Authority. Prior to the development being first brought into use, a validation report demonstrating completion of the works set out in the approved gas protection scheme shall be submitted to and approved in writing by the Local Planning Authority.

Reason:- The submitted Coal Mining Risk Assessment has been undertaken and confirmed the need for a ground gas risk assessment.

20. Prior to the commencement of development an appropriate scheme of intrusive site investigations and a report of the findings arising from the intrusive site investigations shall be submitted to and approved in writing by the Local Planning Authority. In the event that the site investigations confirm the need for remedial works details of the proposed remedial works shall be submitted to and approved in writing by the Local Planning Authority. The remedial works shall then be carried out in full accordance with the approved details prior to the commencement to the development hereby approved.
Reason:- To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site and to ensure the safety and stability of the development.

21. Prior to the commencement of development an on-site Construction and Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the following;

- Construction methods that avoid and mitigate pollution impacts, and detail methods to transport waste from the site.

- Details of any lighting that avoids impacts on breeding birds or bats and on new created roosting or nesting sites.

- Tree scrub planting along the boundary of the site to include hawthorn, dog rose, hazel and holly of local provenance.

- Creation of nest boxes for house sparrow and bat roosting opportunities within the fabric of new buildings.

- Extent and location of proposed works on appropriate scale maps.

- Persons responsible for implementing the proposed works, and the phasing of works with the construction timetable.

- Details of initial aftercare and long-term maintenance post creation.

The development shall be carried out and completed in full accordance with the approved details prior to bringing the development into use.

Reason:- To avoid and mitigate impacts on biodiversity through the construction phase of the development, compensate for the loss of scrub and nesting sites for breeding birds and provide a net gain for biodiversity.

22. Before any site work whatsoever (including any site clearance, stripping or site establishment) begins a programme of mitigation shall be submitted to and approved in writing by the Local Planning Authority setting out measures by which it will be ensured that any risk of threat to Great Crested Newt populations is minimised through the period of site preparation and construction. The programme of measures shall be supported by a Great Crested Newt eDNA sampling survey as detailed in the applicant's submitted report by Apex Ecology dated November 2017 (MR/171108). The programme of measures shall be implemented in the sequence and form approved in writing by the Local Planning Authority. The survey, assessment and any recommended mitigation measures shall be carried out by an ecologically qualified person suitably experienced in surveying for Great Crested Newts in relation to development proposals.
Reason:- To ensure appropriate safeguards for Great Crested Newts as a European Protected species.

23. Before any site work whatsoever (including any site clearance, stripping or site establishment) begins a programme of mitigation shall be submitted to and approved in

writing by the Local Planning Authority setting out measures by which it will be ensured that any risk of threat to reptiles is minimised through the period of site preparation and construction. The programme of measures shall be supported by survey data from the site compiled in advance of any site work in accordance with the methods detailed in the Herpetofauna Workers' Manual (Gent and Gibson 1998) and the mitigation measures shall be implemented in the sequence and form approved by the Local Planning Authority.
Reason:- In the interests of biodiversity and safeguarding reptiles.

Informatives

1. The application has been assessed against adopted Development Plan policies (including paragraph 38 of the National Planning Policy Framework - July 2018) and any other material considerations. The scheme is acceptable and therefore a sustainable form of development is approved.

2. Depending on when the proposal is commenced, the construction of the access bellmouth MAY require a Minor Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of determining whether the agreement is required and of securing the Agreement. The link below provides a link to a Works Information Pack and an application form for the Works Agreement. If necessary 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 or website http://www.staffordshire.gov.uk/transport/staffshighways/licences/

3. Building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant risks to both the development and the occupiers if not undertaken appropriately. The Coal Authority would draw your attention to our adopted policy regarding new development and mine entries:

https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distanceof-mine-entries

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. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. 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

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Chief Executive

4. 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.

"" 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 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

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Chief Executive

"" 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.

5. The applicant / developer should refer to the Environment Agency's document 'The Environment Agency's approach to groundwater protection', available from gov.uk. This sets out the Environment Agency's position on a wide range of activities and developments, including:

• Waste management
• Discharge of liquid effluents
• Land contamination
• Ground source heating and cooling
• Drainage
• Storage of pollutants and hazardous substances
• Management of groundwater resources

All precaution must be taken to avoid discharges and spills to ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to guidance available online www.gov.uk/environment-agency

6. The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

• excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution.

• treated materials can be transferred between sites as part of a hub and cluster project.

• some naturally occurring clean material can be transferred directly between sites.

7. The Environment Agency recommends that developers should refer to:

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Chief Executive

• the Position Statement on the Definition of Waste: Development Industry Code of Practice and;
• The Environmental regulations page on GOV.UK

8. Contaminated soil that is, or must be, disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

• Duty of Care Regulations 1991
• Hazardous Waste (England and Wales) Regulations 2005
• Environmental Permitting (England and Wales) Regulations 2010
• The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with the Environment Agency as a hazardous waste producer. Refer to the Hazardous Waste pages on GOV.UK for more information.

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.

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

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.