

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

Mr Tyler
Prospect Way
Victoria Business park
Knypersley
Staffordshire
ST8 7PL

Application no: SMD/2021/0257

Determined on: 24th June 2021

**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, Prospect Way, Knypersley, Staffordshire, ST8 6PH

Description of Development:

Change of use to provide additional open storage and parking space
for the adjacent haulage depot with works to regrade the land to form 3 plateaus and 2
vehicle access routes.

(this is a varied permission that permits the development to be carried out: in accordance with a revised site plan; and, without complying with condition 10 of the existing planning permission, SMD/2020/0441, granted on the 12th February 2021, that required the approval and installation of a surface water drainage system)

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 permission SMD/2020/0441.

Reason:- To comply with Section 91(1) of the Town and Country Planning Act 1990 (As Amended)

2. The development permitted and described above shall only be carried out in accordance with the plans numbered 4718-01-10 SCHEME C SECTIONS and 4718-01-11 LOCATION_BLOCK PLAN that were submitted with the original application referenced SMD/2020/0441; and the revised plan numbered 4718-01-13 SITE AREA

PLAN that was submitted on the 4th March 2021 under application reference NMA/2021/008.

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

3. Within the land that is shown edged red on the plan numbered 4718-01-11 only the surfaced areas of each of the three plateaus shall be used for the parking and storage associated with, and as part of, the existing adjacent haulage and transport depot (sui generis). The use shall not extend or expand beyond the plateau areas and any area of stacked or piled material shall not exceed a height of 4metres. None of the land shall be used for: the display of goods for sale or for the sale of goods; any industrial process; the repair or maintenance of any vehicle or machine; the washing off or out of any vehicle, machine or trailer; or for any other purpose that is not included in the description of development.

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 site plateaus have been constructed and surfaced in accordance with the plans submitted with the application; and, the accesses between the site's boundary and the carriageway edge, have been carried out and completed, to include a surface water drainage interceptor sited on the site boundary, in accordance with construction details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason:- In the interests of highway safety and planning policy compliance.

5. The development hereby permitted shall not be brought into use until the site has been enclosed with the erection of the green 2metre high Paladin fence, to match the existing adjacent fence and in accordance with the plan numbered 4718-01-09 SCHEME C SITE PLAN that was submitted with the application. No other fence, wall or other means of enclosure shall be erected or constructed without the details of the wall, fence, or other means of enclosure having first been submitted to and approved in writing by the Local Planning Authority.

Reason:- In the interests of visual amenity and securing a well-designed development.

6. The development hereby permitted shall only take place and be carried out in full accordance and compliance with a Construction and Environmental Method Statement that has first been submitted to and approved in writing by the Local Planning Authority. The Construction Method statement 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 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 public footpaths crossing the site during the construction works.

Reason:- To protect the amenities of the area.

7. 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. The approved remediation shall be carried out prior to the first occupation of the development.

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. No top soil or fill material is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material shall be submitted to and agreed in writing by the Local Planning Authority prior to the soils being imported onto site. The methodology shall include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9. No lighting shall be installed or erected on the site unless the details and specification has first been submitted to and approved in writing by the Local Planning Authority. Such

details shall include the means of installation, 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.

10. The plateaued storage areas shall only be constructed and provided with a permeable, free draining crushed limestone surface that shall be retained and maintained as such throughout the life of the development.

Reason:- To ensure a controlled and sustainable flow of surface water run-off and drainage.

11. No development shall 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.

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

12. 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 bringing into use of 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.

13. 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.

14. Before the development is brought into use, and within the first available planting season, the plateau embankments and all of the land surrounding the plateaus shall be planted and landscaped in accordance with a scheme that shall first 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 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.

15. 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.

16. 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.

17. 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. Development shall be carried out in complete accordance with the approved mitigation

Reason:- To ensure appropriate safeguards for Great Crested Newts as a European Protected species.

18. 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.

Informative

The proposed development is judged to be of suitable design and meets the tests of sustainability in planning. There are not judged to be any adverse implications for neighbours or wider public amenity and street scene. As the application was considered acceptable there was no need for any negotiation or amendment as would otherwise be advocated within the National Planning Policy Framework paragraph 38.

X *B.T. 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 BControl@staffsmoorlands.gov.uk
1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.

8. 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.
9. 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>
10. 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.
11. 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.