Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2010

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.

Application No: 10/00041/OMAJEI

To:
Sainsbury's Supermarkets Ltd
c/o Turley Associates
25 Savile Road
KLondon
W1S 2ES

Location of Development:
Churnet Works Macclesfield Road Leek Staffordshire Moorlands ST13 8LB

Description of Development:
Erection of Superstore (A1): Retail Units (A1); Employment Units (B1, B2 & B8); Residential (total of 58 Apartments & 34 dwellings - C3 Use); Petrol Filling Station (Sui Generis) with associated car parking, access, landscaping, provision of Public Open Space and other works.

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 in accordance with plans ref: PL1(0)01 REV.A; PL1(0)02 REV.A; PL1(0)03; PL1(0)09 REV.B; PL1(0)10 REV.C; PL1(0)11 REV.C; PL1(0)13 REV.C; PL1(0)14 REV.C; PL1(1)01 REV.B; PL1(1)05 REV.B; PL1(1)06 REV.B; PL1(1)10 REV.B; PL1(2)01 REV.B; PL1(2)03 REV.A; PL1(3)01 REV.B; PL1(3)04 REV.B; PL1(3)05 REV.A; PL1(4)02 REV.A; PL1(4)03 REV.C; PL1(4)04 REV.C; PL1(4)05 REV.B; PL1(4)06 REV.A; PL1(4)07 REV.A; PL1(5)01 REV.B; PL1(5)02 REV.A; 692-02 REV.L; 692-03 REV.A; subject to the following condition(s):

1.The development hereby permitted, insofar as it relates to those elements of the application which fall within use classes A1, B1, B2 and B8, including the petrol filling station, car wash and other ancillary works, including the laying out of Public Open Space, shall be begun before the expiration of three years from the date of this permission.
Reason:- In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (As Amended).

2. The development hereby permitted, insofar as it relates to the residential elements of the application and associated ancillary works, shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.
Reason:- To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (As amended) and for avoidance of doubt that the residential components of the scheme have been only been granted outline consent.

3. The approval of the Local Planning Authority shall be obtained in writing with respect to the plans and particulars of the following reserved matters relating to the residential components of the approved scheme (hereinafter called 'the reserved matters') before any part of the residential elements of the approved scheme, including associated ancillary works, are commenced.
a) Layout
b) Appearance
c) Landscaping
Reason:- The application is an outline application under the provisions of Article 1(2) of the Town and Country Planning (General Development Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

4. Application for the approval of the reserved matters in respect of the residential elements of the development hereby permitted shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
Reason:- To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

5. No development shall be commenced until a detailed scheme and timetable of phasing for the delivery of the whole site has been submitted to and approved in writing by the Local Planning Authority. The phasing scheme submitted shall ensure that all aspects of the proposed development are delivered within a reasonable timescale and ensure that the employment units are carried out in the first phases. Works shall thereafter be undertaken in accordance with the agreed scheme of phasing, unless otherwise agreed in writing by the Local Planning Authority.
Reason:- To ensure the delivery of all facets of the development in the interests of securing a satisfactory form of development that contributes to and enhances the character and appearance of the surrounding area.

6. The Reserved Matters submission for the residential elements of the development shall not exceed the scale parameters set out within the approved plans
Reason:- To ensure a high quality form and appearance of development that enhances the character and appearance of the surrounding area.

7. The Reserved Matters submission shall incorporate no more than 92 residential units.

Reason:- It has not been demonstrated that the application site has the capacity to accommodate a more dense form of development whilst also ensuring that a satisfactory layout, visual appearance and level of amenity can be achieved.

8. The superstore hereby approved shall have a net retail sales area not exceeding 3,716sq.m (excluding atrium/café), with no additional retail floorspace permitted, including at Mezzanine level. Of the 3,716sq.m net retail sales area, the total amount of convenience floorspace shall not exceed 2772sq.m. and the total amount of comparison floorspace should not exceed 944sq.m.
Reason:- To ensure that the level of comparison retail floorspace within the development is appropriate and does not adversely impact on the vitality and viability of the Town Centre.

9. The three retail units hereby permitted shall only be used for sale of bulky-goods, defined as DIY and/or garden tools; furniture; carpets, motor vehicle and/or cycle goods; electrical goods, including computers and pet supplies. They shall not be used at any time for food retail purposes. Each of the three non-food retail units shall have a minimum gross floorspace of 850sq.m.
Reason:- To ensure the appropriate use of the retail units and avoid an adverse impact on the vitality and viability of the Town Centre.

10. None of the three retail units hereby permitted shall be sub-divided or have mezzanine levels introduced without the prior consent on application of the Local Planning Authority.
Reason:- An unrestricted permission could result in the units being subdivided into formats that could be accommodated in a more central location and/or result in additional out-of-town retail floorspace being created and thus detract from the vitality and viability of the Town Centre

11. The superstore, retail units and employment units hereby approved shall be constructed to achieve a BREEAM excellent rating.
Reason:- In the interests of securing a sustainable form of development and in accordance with the applicants stated intentions.

12. The development hereby permitted shall not be commenced until full details of proposed finished floor levels including their relationship to surrounding built and natural development has been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
Reason:- To ensure a satisfactory form of development that assimilates well with the character and appearance of the surrounding area, and in the interests of minimising flood risk.

13. None of the retail units hereby approved, including the superstore, shall be brought into use until a dedicated play area including play equipment has been provided on site to a value commensurate with any off-site provision that would otherwise be required related to the size of the development in accordance with the Council's prevailing approved policy or arrangements made to provide an off-site facility, in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. The play space and equipment shall thereafter be retained and maintained for the lifetime of the development.

Reason:- To ensure the provision of adequate play equipment and play provision with the surrounding area.

14. The development hereby permitted shall not be commenced until samples of the proposed materials of construction, including proposed finishes/appearance (based on the specification set out in the approved plans and documentation) have been submitted to and approved in writing by the Local Planning Authority. The details submitted shall relate to all elements of the proposed development except the proposed residential development. Development shall thereafter be carried out in accordance with the approved details.
Reason:- To ensure the a high quality external appearance of the development in the interests of enhancing the character and appearance of the surrounding area.

15. None of the retail or employment units, including the petrol filling station and car wash shall be brought into use until a scheme of hours of operation has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter operate in accordance with the agreed hours of operation.
Reason:- To safeguard the amenity of neighbouring occupiers and that of the surrounding area.

16. No part of the petrol filling station and surrounding concourse hereby approved shall be used for the sale, display, or repair of vehicles.
Reason:- To safeguard the character and appearance of the surrounding area.

17. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (As Amended), the employment units hereby approved shall only be used for purposes within Use Classes B1 and B2, except insofar as where an existing B8 occupier on the Churnet Works site is relocating to within the new employment units. Details of any B8 uses seeking to relocate from within the existing Churnet Works employment units into the new employment units shall be submitted to and approved in writing by the Local Planning Authority prior to any such relocation taking place.
Reason:- To ensure an appropriate form of development in the interests of neighbouring amenity and that of the surrounding area.

18. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (As Amended), the café hereby approved within the superstore building shall only be used for purposes within Use Class A3, and for no other purpose.
Reason:- An unrestricted permission could result in the creation of further retail floorspace that could otherwise be accommodated in a more central location, and thus detract from the vitality and viability of the Town Centre.

19. No part of the development hereby permitted shall be occupied until full details of the height, type and precise position of all site boundary walls, retaining walls, fences and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details prior to the first use of any part of the development.

Reason:- To ensure the satisfactory appearance of the development in the interests of safeguarding and enhancing the character and appearance of the area.

20. The development hereby permitted shall not be commenced until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation that has been first submitted to and approved in writing by the Local Planning Authority. The findings of the archaeological work shall be submitted to and approved in writing by the Local Planning Authority once the programme of archaeological work has been completed, and shall be made available for publication as may be required by Staffordshire County Council (Archaeology).
Reason:- To ensure adequate archaeological recording of the site

21. No development hereby permitted shall be commenced, including any works of demolition, site clearance or stripping, until the protective fencing and notices detailed on Arthur Amos Associates Tree Survey and Removal Plan Drawing No. 692-01 Rev B have been erected in each relevant area of the site and maintained in position for the full duration of the period that development takes place in that area, in full accordance with the positions, specifications and notes set out on that drawing. Within the fenced areas there shall be no excavation, changes in ground levels, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires unless otherwise agreed by the LPA.
Reason:- To safeguard existing trees and hedgerows on the development site.

22. The development hereby permitted shall not be commenced until a fully detailed scheme of hard and soft landscaping for the whole site, including the area of Public Open Space, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the positions, species, planting sizes and numbers/densities of new plants, together with a specification for cultivation and planting, plant supports, aftercare and maintenance. The details shall also include, where relevant, full details of specification for tree pits, supports, guards and irrigation for any trees to be planted within hard surfaced areas. The landscaping scheme approved shall be implemented by the end of the planting season (normally November to February inclusive) following completion of the respective parts of the development in accordance with a phasing programme to be first submitted to and agreed in writing by the Local Planning Authority. Any plants which die, become diseased, are removed or otherwise fail to establish within 5 years of their planting shall be replaced.
Reason:- To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

23. No works of demolition on any building, bridge or structure noted in the Environmental Statement as having features with potential for bat occupation shall be undertaken until a further detailed inspection for the presence of bats has been carried out by a licensed bat worker. If bats are found, either during survey or subsequent demolition, work must stop immediately in the vicinity and Natural England's bat helpline be contacted for advice on licence requirements.
Reason:- In the interests of safeguarding protected species.

24. There shall be no clearance of existing trees, hedges, shrubs and scrub, and no demolition of buildings or structures used by breeding birds, within the bird nesting season (March to August inclusive) unless otherwise approved in writing by the Local Planning Authority. Where it is genuinely impracticable to avoid such removal within the nesting season, the Local Planning Authority's written approval will only be given following careful inspection of all vegetation to be removed by a suitably qualified ecologist at the developer's expense, in order to identify any active nests which are present. Any nests so identified shall be cordoned off and retained undisturbed until the end of the nesting season or the birds have fledged.
Reason:- In the interests of safeguarding nesting birds

25. There shall be no clearance of rubble and habitat areas in which grass snakes have been found, and no other development in these areas, until replacement habitat has been created elsewhere on the site and a trapping/translocation programme carried out in accordance with the recommendations set out in the Environmental Statement accompanying the application hereby approved. Details of proposed locations and specifications of new replacement habitats shall be submitted to and approved by the local planning authority prior to implementation.
Reason:- In the interests of safeguarding reptiles known to be present on the site.

26. No clearance of the river banks for the construction of new bridges shall be carried out until a further detailed survey for water vole occupation has been carried out by a qualified ecologist in accordance with the recommendations and methodology set out in the Environmental Statement accompanying the application hereby approved, and been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the agreed details, including any mitigatory works/measures which are recommended.
Reason:- In the interests of safeguarding water voles in the vicinity of the site.

27. No development hereby permitted shall be commenced, including any works of demolition, site clearance or stripping until full details of the number, positions and specifications for proposed bird nesting and bat roosting boxes, and any other artificial shelters, have been submitted to and approved by the Local Planning Authority. Such features shall subsequently be installed in accordance with the approved details prior to first use of the superstore.
Reason:- In the interests of safeguarding protected species.

28. No development hereby permitted shall be commenced, including any works of demolition, site clearance or stripping, until a detailed habitat creation and ecological management plan for the overall application site to complement the landscaping proposals has been submitted to and approved in writing by the Local Planning Authority. The details submitted shall include full and accurate locations of existing and proposed new habitats; technical specifications, timescales and phasing for the creation of all new habitats; 5 year establishment and aftercare management prescriptions for all newly created habitats; mitigation and enhancement measures for protected and priority species; and minimum 20 year maintenance and management operations for all habitats throughout the site to be monitored and reviewed every 5 years.

Reason:- To ensure the establishment of an effective habitat and ecological management plan in the interests of safeguarding local biodiversity.

29. Unless prior permission has been obtained in writing from the Local Planning Authority, 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 unsocial hours

30. Night time deliveries to the supermarket shall be undertaken in accordance with the Service Yard Management Plan (reference: SAIL2044) submitted on the 24th August 2010.
Reason:- To prevent noise disturbance to nearby residents arising from night time deliveries

31. Other than the supermarket, no night time deliveries or other activities in external areas are permitted at any of the other commercial premises on the site, including the employment units. Night time deliveries are defined as taking place between 23:00 and 07:00 hours.
Reason:- To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

32. The machinery, plant or equipment including air condition and ventilation systems ("machinery") 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 [5 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 4142:1997.
Reason:- To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.

33. The design and construction criteria for development of the relevant buildings/premises shall have regard to BS 8233:1999 (British Standard 8233:1999 - Sound insulation and noise reduction for buildings - Code of Practice). The design criteria shall achieve sufficient noise reduction to ensure that the noise from the activities generated inside the fabric of the relevant buildings/premises 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 [5 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:1997.

Reason:- To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.

34. Any premises for domestic use permitted as part of this application shall be so constructed such that WHO guidelines for internal noise levels in domestic buildings are met, i.e. indoor living rooms 35LAeq(dB) (16hour), bedrooms 30LAeq(dB) (8 hour) and 45 LAmax (fast)dB.
Reason:- To safeguard the amenity of future residents from noise disturbance.

35. The superstore development hereby permitted shall not be commenced until full details of all ventilation and filtration equipment to be installed on the site to suppress and disperse fumes and/or smell created from cooking activities on the premises have been submitted to and approved in writing by the Local Planning Authority. The equipment shall thereafter be installed in full working order to the satisfaction of the Local Planning Authority prior to any part of the respective development being brought into use and shall thereafter be operated and maintained in accordance with the manufacturers instructions for as long as the use continues.
Reason:- To safeguard the amenity of local residents and that of the surrounding area from disturbance by odours.

36. The development hereby approved shall not be occupied/brought into use, until full details of all external plant or machinery (air conditioning units, and extraction units etc), including the position, number and design have been submitted to and approved in writing by the Local Planning Authority. The external plant and machinery shall thereafter be installed in accordance with the approved details prior to first occupation/use, unless otherwise agreed in writing by the Local Planning Authority.
Reason:- In the interests of neighbouring amenity and to ensure a satisfactory form of development that safeguards and enhances the character and appearance of the area

37. The development hereby permitted shall not be commenced until details of proposed means for the storage of refuse (including putrescible materials) and its collection, including litter bins for use by customers has been submitted to and approved in writing by the Local Planning Authority. The details submitted shall relate to all non-residential elements of the approved development. Details of proposed refuse facilities for the residential elements of the approved development shall be incorporated within the subsequent Reserved Matters submission(s).
Reason:- To safeguard the amenity of the surrounding area from litter and to ensure that satisfactory provision has been made for dealing with refuse.

38. The development hereby permitted shall not be commenced until full details of proposed external illumination, including siting/position, design, hours of use and details to demonstrate that it will not increase the pre-existing illuminance at adjoining light sensitive locations when in operation, has been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details.
Reason:- To safeguard the amenity of neighbouring residential occupiers and that of the surrounding area.

39. During any demolition and construction activities (including landscaping) the contractor shall pay due regard to the Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456), and take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.
Reason:- To safeguard the amenity of neighbouring residential occupiers and that of the surrounding area.

40. No development hereby permitted shall be commenced until a further risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development. The report of the findings shall include;

a. A further survey of the extent, scale and nature of any potential contamination, (including identification of all previous uses, potential contaminants associated with those uses and a conceptual model of the site including sources, pathways and receptors);
b. A detailed risk assessment of all known site contaminants based on the potential risks to:

- Human health;
- Property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes;
- Adjoining land;
- Ground and surface waters;

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11.
Reason:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, to prevent the pollution of the underlying aquifer and adjacent watercourse, to remediate the site in line with Water Framework Directive targets, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

41. No development hereby permitted shall be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, property (existing or proposed including buildings, crops, livestock, pets, woodland, service lines and pipes; buildings), adjoining land and ground and surface waters has been submitted to and approved in writing by the Local Planning Authority. The scheme must include:

a) An appraisal of the remediation options and proposal of the preferred option(s)
b) A remediation strategy giving full details of remediation objectives and remediation criteria
c) A timetable of works and site management procedures.
d) A validation plan providing details of the data that will be collected in order to demonstrate that the all works set out in (a) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme must be carried out in accordance with its recommendations and approved timetable of works prior to the commencement of development, unless otherwise agreed 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, to prevent the pollution of the underlying aquifer and adjacent watercourse, to remediate the site in line with Water Framework Directive targets, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

42. None of the development hereby permitted shall be commenced until the timetable for remediation and validation plan required pursuant to condition 41 has been submitted to and approved in writing by the Local Planning Authority. The remediation of the site and production of validation reports shall thereafter be carried out in accordance with the approved timetable and validation plan. No part of the development shall be occupied/brought into use, until its respective validation report has been submitted to and approved in writing by the Local Planning Authority. Each validation report shall demonstrate completion of the works set out in the approved remediation strategy and the effectiveness of the remediation, and shall include results of sampling and monitoring carried out in accordance with the approved validation plan to demonstrate that the site remediation criteria have been met. They shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the validation plan, and for the reporting of this to the local planning authority.
Reason:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, to prevent the pollution of the underlying aquifer and adjacent watercourse, to remediate the site in line with Water Framework Directive targets, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

43. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 40, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 41, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 42.
Reason:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, to prevent the pollution of the underlying aquifer and adjacent watercourse, to remediate the site in line with Water Framework Directive targets, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

44. 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 should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto

site. The methodology should 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 to 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, to prevent the pollution of the underlying aquifer and adjacent watercourse, to remediate the site in line with Water Framework Directive targets, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

45. The development shall be undertaken in accordance with the Leek Sainsbury's Flood Risk Assessment (Dated: April 2010, Ref: 9T37453/R/303903/Soli), Environmental Statement Addendum May 2010, and Hydraulic Modelling & Flood Mapping Technical Note – Addendum (Dated: 28 June 2010, Ref: 9T7453/R/303903/Soli). Notwithstanding this requirement, the development hereby permitted shall not be commenced until details have been submitted to and approved in writing by the Local Planning Authority to demonstrate that:

- Finished floor levels are set no lower than 600mm above the 1 in 100 year plus climate change flood level.
- The adequate provision and implementation of compensatory flood storage works.
- The site is holistically, sustainably, and safely drained at greenfield runoff rates and in accordance with Ciria 697 – The SUDS Manual.
- The site is serviced by appropriately designed river crossings, set at least 300mm above the 1 in 100 year plus climate change flood level.
- The river is restored, structures removed, fish passage increased and the flood plain appropriately protected as outlined in the submitted FRA documents.

Development shall thereafter be fully implemented and subsequently maintained in accordance with the agreed details and the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
Reason:- To reduce the risk of flooding to the proposed development, future occupants & surrounding areas.

46. No development hereby permitted shall be commenced until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
Reason:- To prevent the pollution of the underlying aquifer and adjacent watercourse, and to remediate the site in line with Water Framework Directive targets.

47. Piling or any other foundation designs using penetrative methods is not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason:- In order to protect Controlled Waters by not creating preferential pathways or pushing existing contamination down into the underlying minor aquifers.

48. No development hereby approved shall be commenced until full details of the proposed roundabout onto the A523 Macclesfield Road, which shall incorporate details of signal equipment to regulate traffic flow leaving the development site and the signal controlled pedestrian crossings across the A523 between its junctions of Belle Vue Road and Abbey Green Road, illustrated on drawing no. PL(0)10 Rev.C, which shall incorporate further two and three dimensional revisions as recommended in the Stage 1 Safety Audit (attached to this consent) and in accordance with engineering details which shall be first submitted to and approved in writing by the Local Planning Authority. The details shall include means of construction, surface water drainage and street lighting details and shall thereafter be implemented and completed in full accordance with the approved details prior to first use of the development.
Reason:- In the interests of highway safety

49. The superstore development hereby approved shall not be brought into use until full details of the proposed off site traffic management works comprising the installation of waiting restrictions along the site frontage detailed in drawing no. 9T7453/SK011 have been first submitted to and approved in writing by the Local Planning Authority. The traffic management works shall thereafter be implemented in accordance with the approved details and be completed prior to first use of the development.
Reason:- In the interests of highway safety

50. The retail developments hereby approved shall not be brought into use until full details of the proposed alterations at the Church Street/St Edward Street junction (illustrated on drawing no. 9T7453/SK016) and the Stockwell Street/Ball Haye Street junction (illustrated on drawing no. 9T7453/SK013), which shall incorporate further two-dimensional and three dimensional revisions as recommended in the Stage 1 Safety Audit (attached to this consent) and in accordance with engineering details, have been submitted to and approved in writing by the Local Planning Authority, and the works have been completed in accordance with the approved details. The details submitted shall include means of construction, surface water drainage and street lighting details.
Reason:- In the interests of highway safety

51.The retail developments hereby approved shall not be brought into use until full details of the proposed alterations at the Ashbourne Road/Ball Haye Street (War Memorial/Clock Tower) illustrated on drawing no. 9T7453/SK015, and associated urban traffic control system which shall incorporate further two-dimensional and three dimensional revisions as recommended in the Stage 1 Safety Audit (attached to this consent) and in accordance with engineering details, have been submitted to and approved in writing by the Local Planning Authority, and the works have been completed in accordance with the approved details.
The details shall include, public realm, construction, surface water drainage and street lighting details.
Reason:- In the interests of highway safety

52. No development hereby approved shall be commenced until details of all road construction and associated bridge structures, retaining walls (over 1.5m in height), street lighting, drainage including

longitudinal sections and a satisfactory means of draining roads to an acceptable outfall have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be constructed in accordance with the approved drawings and be completed prior to first use of the development. The approval process for all bridge and highway structure proposals will be in accordance with nationally adopted Technical Approval procedures.
Reason:- In the interests of highway safety

53. The retail developments hereby approved shall not be brought into use until a traffic management scheme comprising speed reduction and traffic restraint measures along Salisbury Street/Sneyd Street and the provision of traffic directional signage on the A53 Buxton Road has been submitted to and approved in writing by the Local Planning Authority, and the approved traffic management scheme has been implemented in full.
Reason:- In the interests of highway safety.

54. No part of the development hereby permitted shall be brought into use/occupied until its associated parking/turning/servicing areas have been provided in accordance with the approved plans drawing no. PL (0) 10 rev C and in accordance with a materials specification to have been previously submitted to and approved in writing by the Local Planning Authority. The parking, turning and servicing areas shall thereafter be retained in accordance with the approved details for the lifetime of the development.
Reason:- In the interests of highway safety

55. The development hereby permitted shall not be commenced until details of the 2.4(m) X 43 (m) visibility splays at the junction onto Abbey Green Road have been submitted to and approved in writing by the Local Planning Authority. The visibility splays shall thereafter be provided and kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level prior to the development commencing.
Reason:- In the interests of highway safety

56. The foodstore development hereby permitted shall not be brought into use until the existing vehicular site access onto Abbey Green Road has been reconfigured for the sole use of pedestrian and cycle movements in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
Reason:- In the interests of highway safety

57. The development hereby permitted shall not be commenced until a Traffic Management Plan is submitted to and approved in writing by the Local Planning Authority detailing the management and routeing of demolition/construction traffic, delivery times and internal compound arrangements, along with details of proposed construction compounds, office/worker facilities, material storage areas and operative/trade parking facilities to be provided on site. The demolition and construction works shall thereafter be carried out in accordance with the approved Traffic Management Plan.
Reason:- In the interests of highway safety

58. The development hereby permitted shall not be commenced until wheel cleaning/washing facilities have been installed on site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The approved facility shall thereafter be utilised by all heavy goods vehicles for the full period of construction works.
Reason:- In the interests of highway safety

Informatives

1. The application has been determined against the following Development Plan policies, having regard to all material planning considerations:

- West Midlands Regional Spatial Strategy: Policies UR2, UR3, RR3, CF5, QE1, QE2, QE3, QE5, QE9, EN2, T3 and T4
- Staffordshire and Stoke on Trent Structure Plan: Policies D1, D2, D3, D7, D8, E7, E8, H3, NC13, NC18, R1, TC1, TC2, T1A, T4, T5, T7, T11, T13, T18A and T18B
- Staffordshire Moorlands Local Plan: Policies B13, E7, E10, H4, H16, N8, N9, T14, F1 and A1
- National Planning Guidance: PPS.1, PPS.3, PPS.4, PPS.5, PPS.7, PPS.9, PPG.13, PPG.17, PPS.22, PPS.23, PPG.24 and PPS.25.
- Supplementary Planning Guidance: Developer/Landowner Contributions SPG (2004); Housing for Local People and Affordable Housing SPG (2005); Planning for Landscape Change SPG (2001) and the Leek Town Centre Master Plan (Emerging Document)
- Staffordshire Moorlands Core Strategy Submission Document (May 2009): Policies SS5a and E1

It is considered on balance that the proposed development is consistent with the objectives laid down in the above policies, and that the proposed development will not detract from the vitality and viability of the town centre. It is considered that there are no sequential preferable sites available, suitable and viable for a food store development, and that there is no clear evidence that the development will have significant adverse impacts on the vitality and viability of the town centre shopping offer. The proposed development provides appropriate pedestrian linkages and a public transport connection to facilitate access by a variety of means of transport, and the level of parking provision is considered to be acceptable. The design and appearance of the proposed superstore and associated buildings is considered to be acceptable and the proposal is considered unlikely to detract from highway safety within the locality following extensive transport modeling work and the provision of highway junction improvements. Furthermore, the proposal raises no significant issues in respect of neighbouring amenity, air quality, noise disturbance, contamination, ecological issues or matters relating to flood risk.

2. The applicant is requested that every effort be made to construct the development from locally sourced materials in the interests of enhancing the sustainability of the development.

3. The conditions requiring off-site highway works shall require a Major Works Agreement with Staffordshire County Council (e.g. S278 Agreement) and the applicant is therefore requested to contact Staffordshire County Council in respect of securing this agreement. The link below provides a further link to a Major Works Information Pack and an application form for the Major Works. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Riverway, Stafford, ST16 3TJ (or email to nmu@staffordshire.gov.uk).
http://www.staffordshire.gov.uk/transport/staffshighway/licences/

4. The proposed off site Traffic Management Schemes detailed in condition 53 requires public consultation to be undertaken prior to the implementation of these schemes. The applicant should contact Staffordshire County Council in respect of pursuing this matter.

5. The proposed off site highway works detailed in conditions 49, 50 and 51 require an essential Traffic Regulation Order to provide off site mitigating works. This recommendation of approval should not be construed as though the County Council is prejudging the outcome of the Order making process. The developer should note that the Order will be made on behalf of the developer by Staffordshire County Council at the Developer's expense and has to be secured before development commences as it is an essential component of the required mitigating measures associated with the proposed development.

6. Section 278 agreements under the Highways Act 1980 involving signal heads, structural roadworks, bus stops and landscaping within the confines of the public highway will attract commuted maintenance payments.

7. This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 Agreement of the Highways Act 1980. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works.

8. This planning application is a hybrid application with the residential element outline with access to the public highway network and not the internal residential site layout to be determined at this stage. Accordingly the internal residential site layout illustrated on drawing no. PL (0) 10 rev C is presumed to be indicative only and as such the internal site layout and access to individual plots will be considered at the Reserved Matters stage.

9. This permission neither grants, nor conveys consent for the erection of any signage within or adjacent to the application site.

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

11. In accordance the Site Waste Management Plans Regulations 2008 any construction project with an estimated cost greater than £300,000 must, before work begins, prepare a Site Waste Management Plan in accordance with the requirement of these regulations.

12. 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 1appropriate person1. 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

- 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.

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Signed on behalf of Staffordshire Moorlands District Council

10/00041/OMAJEI

NOTES

1. 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.

2. 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. All other types of development have a 6 month deadline for submission of appeals. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs. The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him 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. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

3. 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.