

Pioneer Design and Build
9 Alveston Business Park
Nantwich
Cheshire
CW5 6PF

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Application no: SMD/2013/0865

Determined on: 26/02/2014

**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.

Location of Development:

Plots 9, 10, 11 Victoria Business Park Biddulph Tunstall Road Staffordshire

Description of Development:

Single Storey light industrial (class B1,B2 & B8) unit with associated parking, vehicle turning and landscaping.

In pursuance of their power under the above mentioned Act, Staffordshire Moorlands District Council Planning Authority, **HEREBY GRANTS PLANNING PERMISSION** for the development described above subject to the following condition(s):-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. The development hereby approved shall be carried out in complete accordance with the submitted plans and specifications as follows: LOCATION PLAN 001; 00227 AL(0)11 B (FLOOR PLAN); 00227 AL(0)12 B (ELEVATIONS); 00227 AL(0)13 B (SITE PLAN) & 00227 AL(0)10 G (LANDSCAPING) & PD/19/002 (BIN STORE).

Reason:- To ensure that the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.

3. The approved scheme shall be implemented in accordance with the following facing materials: Staffordshire blue brickwork, profile composite panels in Goosewing Grey RAL 10A 05 and Merlin Grey RAL 18 B 25 to the main walls and roof. The development shall be

carried out in accordance with the approved details.

Reason:- In the interests of the visual appearance of the development.

4. All hard and soft landscape works shall be carried out in accordance with the approved details drawing ref. 00227 AL(0)10 G and to a standard in accordance with the relevant recommendations of British Standard [4428: 1989]. The works shall be carried out prior to the occupation of any part of the development or in accordance with a timetable to be agreed in writing by the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

Reason:- To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

5. Before the development is first brought into use the siting, elevational and finish details of the proposed 2.0m high wire mesh fence shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be provided in accordance with the approved plans.

Reason:- In the interests of the visual appearance of the development

6. Before the commencement of development, including any demolition, site clearance and stripping, details of the specification and positions of temporary fencing and advisory notices for the protection of trees to be retained adjacent to the site shall be submitted to and approved by the Local Planning Authority. Such details shall be in accordance with guidance in British Standard 5837:2005 Trees in Relation to Construction Recommendations, unless otherwise agreed by the Local Planning Authority.

Reason:- In the interests of the visual appearance of the development and the amenities of the area.

7. Before the commencement of development, including any demolition, site clearance and stripping, the protective fencing and notices approved under Condition No. 06 shall be erected and maintained in position for the full duration of the period that development takes place. 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 Local Planning Authority.

Reason:- In the interests of the visual appearance of the development and the amenities of the area.

8. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been completed 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 and to ensure completion of the access road to an acceptable standard.

9. 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 00227AL(0)13B. 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 to reduce the likelihood of uncontrolled on street parking.

10. The development hereby permitted shall not be commenced until details of the following off-site highway works have been submitted to and approved in writing by the Local Planning Authority: Completion of the access road to surface course level. The off-site highway 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 to ensure completion of the access road to an acceptable standard.

11. The development hereby permitted shall not be brought into use until details of the surface water drainage including outfall has been submitted to and approved in writing by the Local Planning Authority. The drainage 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 to ensure no surface water is discharged onto the highway.

12. 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) and 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.

13. Before the development is first brought into use, a validation report demonstrating that the Visqueen CO2 Gas Membrane and ancillary components have been installed in accordance with the recommendations of Building Research Establishment BRE No: 414: "Protective measures for housing on gas contaminated land" shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

14. 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 submitted to and approved in writing with 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 commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and is subject to the approval in writing of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

15. No top soil or fill material shall 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 validity evidence submitted to and approved in writing to by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason (common to 11-13):- 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.

16. The proposed lighting scheme for the building shall be the submitted Orion Slim IP65 Die Cast Floodlight 150W HQI-TS Graphite. A single light shall be centrally mounted above each roller shutter door and be angled downwards. The development shall be carried out in accordance with the approved details.

Reason:- To protect the local amenities of the local residents and nature conservation interests by reason of excess of luminance.

15. The approved scheme shall be implemented in accordance with the details of the existing and proposed levels across the site and relative to adjoining land as shown on drawing ref. 00227 AL(0) 13B, together with the finished floor levels of the proposed building at 200.00. 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 adjoining properties.

Informative(s)

1. The application has been considered against Saved Policies B13, E10 and T14 of the Adopted Staffordshire Moorlands Local Plan and more generally, national planning guidance contained within the National Planning Policy Framework (NPPF). The proposed development is of an acceptable design that relates well to its surroundings on the periphery of the industrial estate and that supplementary landscaping will serve to anchor the development into the locality. The proposed site layout is satisfactory and the development is considered unlikely to detract from the amenity of future / neighbouring occupiers or from highway safety. Furthermore, on the balance of probabilities, the proposal is acceptable in relation to contamination and land stability issues.

2. The application has been assessed against adopted Development Plan policies and any other material considerations. As the application is acceptable there was no need for any negotiations/amendments as advocated within the National Planning Policy Framework (NPPF) paragraphs 186-187.

3. Due to the potential for this site to support breeding of ground nesting birds the applicant's attention is drawn to the legal protection which applies to the species which may occur (eg. Skylark and Lapwing) under the Wildlife and Countryside Act (1981). With certain exceptions it is an offence to kill injure or take wild birds or to take, damage or destroy their nests or to take or destroy their eggs. Therefore any ground clearance or vegetation clearance necessary to begin development should be programmed to occur outside the bird nesting season of mid-March to mid August in any year. It is advised that should clearance work be necessary during this period it must be preceded with a check by a suitably competent person such as an ecologist that no bird nesting is taking place.

4. Local Highway Authority: The application form states that 40 parking spaces will be provided for the additional unit. However drawing ref. 3265 Site Plan appears to show only 31 spaces for the additional unit. On street parking is developing on the Victoria Business Park and it is important that adequate parking spaces are provided. Also, the developer may wish to consider a TRO for parking restrictions on the frontage of the additional plot and also Plot 19.

5. The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval. Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk

6. 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.

6. 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. 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.

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 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 an "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.

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.

Signed 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.
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. **A fee is payable to us for the discharge of condition. Please refer to our web site : www.staffsmoorlands.gov.uk for details.** 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. 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.
8. 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.