

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

13 December 2018

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| Application No: | SMD/2017/0373 | |
| Location | Plots 12-15 Victoria Business Park, Prospect Way, Knypersley. | |
| Proposal | Proposed construction of Builders Merchants, covered storage area and open yard storage | |
| Applicant | Chells Builders Supplies | |
| Agent | Mr R. Berry | |
| Parish/ward | Biddulph West | Date registered 27 th June 2017. |
| If you have a question about this report please contact: Mrs L. Jackson lisa.jackson@staffs Moorlands.gov.uk | | |

REFERRAL

The application is brought before Planning Committee Members as the application site is owned by Staffordshire Moorlands District Council.

SUMMARY OF RECOMMENDATION

APPROVE SUBJECT TO CONDITIONS

1. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 1.1 The application site is a currently vacant and overgrown parcel of land positioned towards the south/western part of the Victoria Business Park site. Land levels within the site vary but the general character is that of sloping levels from north to south. Access to the site is by the road running through the estate which (at this part of the site) is laid to tarmac. Fully formed pavements run alongside the access road which itself terminates with a small roundabout at its most southerly point. At the time of the site visit it was clear that there had been some public use of the land, evidenced by the footpath tracks through the vegetation. Records show that there are no adopted Public Rights of Way crossing the site but the land is adjacent to the Biddulph Valley Way to the west.
- 1.2 For the purposes of planning policy consideration the application site is located within the Biddulph Town Development Boundary and is within an identified historic mining area. There are no Listed buildings within or in close proximity to the application site and the plot does not lie within a Conservation Area. There are no protected trees on the site.

2. DESCRIPTION OF THE PROPOSAL

2.1 The application is for the erection of a detached warehouse building and associated development to accommodate a Builder's Merchants business. In addition to the construction of the warehouse the site would be laid out to accommodate brick/block/tile storage areas (external storage), contractor, staff and visitor parking areas, cycle and bin storage, sand/gravel bays and sufficient space for the parking and turning of HGV wagons. The plans indicate some planting around the site boundaries.

2.2 The application is accompanied by: -

- Design and Access Statement
- An Environmental Site Investigation (Factual and Interpretative) Report
- Ground Stabilisation Report
- Settlement Report
- Mining Hazard Site Investigation Report
- Coal Mining Risk Assessment Report
- Preliminary Ecological Appraisal (Apex Ecology Ltd)

Members are encouraged to read these documents prior to the meeting. The application, the details attached to it, including the plans, documents and consultation responses can be found on the Council's website at:-

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=114723>

3. RELEVANT PLANNING HISTORY (APPLICATION SITE AND SURROUNDING AREA)

99/01198/OUT Outline application for Industrial Estate. Approved.

01/01006/GREG_3 Reserved Matters application for Industrial Estate. Approved.

03/00185/GREG_3 Extension of time limit for application reference 99/01198/OUT (Industrial Estate). Approved.

4. PLANNING POLICIES RELEVANT TO THE DECISION

Staffordshire Moorlands Core Strategy Development Plan Document (Adopted March 2014)

The following Core Strategy policies are relevant to the application:-

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SS2 Future Provision of Development
- SS3 Distribution of Development
- SS5 Towns
- SS5b Biddulph Area Strategy
- SD1 Sustainable Use of Resources
- SD4 Pollution and Flood Risk
- E1 New Employment Development
- E2 Existing Employment Areas
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting
- NE1 Biodiversity and Geological Resources
- T1 Development and Sustainable Transport

Emerging Staffordshire Moorlands Local Plan

National Policy Guidance

Paragraph 48 of the newly adopted NPPF states that:

“...decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Local Plan process

The Council agreed to publish the Local Plan Submission Version for representations in February 2018. At this point, the Council agreed that the Local Plan was “sound”. Formal representations were then invited from residents, businesses and other stakeholders to provide them with the opportunity to support or challenge the soundness or legal compliance of the Local Plan. This stage in the process followed three previous public consultations since 2015 which had informed the preparation of the Local Plan alongside a comprehensive evidence base.

In June 2018, the Council subsequently agreed to submit the Local Plan Submission Version to the Secretary of State for examination. A public examination has been held this Autumn in order to determine whether the Local Plan is sound and legally compliant. Subject to the findings of the appointed inspector, the Local Plan is expected to be adopted in the Spring of

2019. At his point, it will supersede the adopted Core Strategy and become part of the statutory development plan for the District.

In this context, the Council's position on the weight to be given to the policies contained in the Local Plan Submission Version in terms of the three criteria set out in Paragraph 48 of the NPPF is as follows:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as the Council has submitted it to the SoS for examination
- The extent to which there are unresolved objections to relevant policies – this varies depending on the policy in question.
- The degree of consistency of policies with the NPPF – given that the Council has submitted a Local Plan that it considers to be sound, all policies are deemed to be consistent with the NPPF.

Emerging Policies

The following policies (including weighting) are considered to be relevant to this application:

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| SS1 | Development Principles (Moderate) |
| SS1a | Presumption in Favour of Sustainable Development (Significant) |
| SS3 (Limited) | Future Provision and Distribution of Development |
| SS4 (Limited) | Strategic Housing and Employment Land Supply |
| SS6 | Biddulph Area Strategy (Limited) |
| SD1 | Sustainable use of Resources (Limited) |
| SD4 | Pollution and Water Quality (Significant) |
| SD5 | Flood Risk (Significant) |
| E1 | New Employment Development (Moderate) |
| E3 | Existing Employment Areas, Premises and Allocations (Moderate) |
| DC1 | Design Considerations (Moderate) |
| DC3 | Landscape and Settlement Setting (Significant) |
| NE1 | Biodiversity and Geological Resources (Moderate) |
| T1 | Development and Sustainable Transport (Moderate) |

National Planning Policy Framework (NPPF)

The following NPPF sections are relevant;

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| 2: | Achieving sustainable development |
| 6: | Building a strong, competitive economy |
| 9: | Promoting sustainable transport |
| 11: | Making effective use of land |

- 12: Achieving well-designed places
 14: Meeting the challenge of climate change, flooding and coastal change
 15: Conserving and enhancing the natural environment

5. CONSULTATIONS CARRIED OUT

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| Site Notice Expires | 29 th August 2017. |
| Neighbour Notification | 3 rd August 2017. |

| Consultee | Comment |
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| Biddulph Town Council | Recommend approval. |
| Environmental Health | No objections subject to conditions and informatives. |
| SMDC Waste (Operational Services) | No objections. |
| Highways (SCC) | No objections on highways grounds subject to conditions. |
| Environment Agency | No objections subject to condition and informatives. |
| Coal Authority | No objections subject to condition. |
| Regeneration Manager | Support the application. Chells Building Supplies is a local business who supply to over 200 local contractors who buy from them on a regular basis. The proposed application |

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| | would allow Chells to relocate from the town centre accommodation to a more appropriate setting for employment use. The new accommodation is anticipated to allow for their business growth. The application is positive for the economic benefits of the town and therefore is supported in favour of growth of a local business employing local people and supporting local suppliers. |
| Minerals (SCC) | No comments to make on the application as the site is not within or near to any permitted waste management facility and is exempt from the requirements of Policy 3 – Mineral Safeguarding in the Minerals Local Plan for Staffordshire 2015-2030. |
| Arboricultural Officer | No objections subject to conditions and informative. |
| Ecologist | Suggest conditions relating to Reptiles, Great Crested Newts, Birds and on-site construction and landscape management. Area of species rich grassland should be created on public open space or country parks in Biddulph. |
| Flood Risk Management (SCC) | No objections subject to conditions. |

6. OFFICER COMMENT AND PLANNING BALANCE

Policy Context and Principle of Development

- 6.1 The Local Planning Authority is required to determine applications in accordance with the Development Plan, unless there are material circumstances which indicate otherwise and in determining these applications, it shall have regard to the provisions of the Development Plan, in so far as material to the application and to any other material considerations.
- 6.2 Policy SS1 of The Staffordshire Moorlands Core Strategy identifies that development should contribute positively to the social, economic and environmental improvement of the Staffordshire Moorlands. Core Strategy policy SS1a establishes a 'Presumption in Favour of Development' in line with National Planning Policy where (1) planning applications that accord with policies within the Core Strategy will be approved without delay and (2) where there are no relevant policies or

they are out of date, the Council will grant planning permission unless material considerations indicate otherwise considering:-

- I. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework (NPPF) taken as a whole, or,
 - II. Specific policies in within the Framework indicate that development should be restricted.
- 6.3 Core Strategy policy SS5b (Biddulph Area Strategy) seeks to enhance the role of Biddulph as a service centre and aid its regeneration. In particular paragraph 2 (SS5b) confirms (relevant to this application);
- support for employment growth by supporting the retention and expansion of existing businesses within the town;
 - promotion of further development at Victoria Business Park;
 - improving accessibility to employment areas.
- 6.4 Core Strategy policy E1 requires new employment development to support/improve the local economy by providing for the needs and skills of the existing and future local resident workforce. Proposals should help maintain and/or enhance an appropriate range of employment premises and be supported in areas where they would not have an unacceptable impact on the amenities, character or appearance of the area. Policy E1 goes on to state that new business developments (including new warehouse and distribution uses) should be located in existing or proposed employment areas where there is ready access to roads which are higher in the road hierarchy.
- 6.5 It is understood that the applicant currently operates his builder's supplies business from Thomas Street, Biddulph but that the limited size of the site means that the amount of stock which can be stored is restricted. This application proposes a larger and more suitably located site which will allow the applicant the space he needs to expand the business which has been in operation for approximately 50 years. The Design and Access Statement informs that the applicant wishes to continue to serve local builder's. The Regeneration Manager confirms that Chell's Building Supplies is a local business who supply to over 200 local contractors and that support of the scheme would bring about positive economic benefits whilst providing employment opportunities for local people and supporting local suppliers. The application form indicates that the proposed scheme would allow for a further two full-time and two part time jobs to be created. The principle of employment use on this site has already been established through the approval of previous planning applications (see section 3 above) and for these reasons it is concluded that there are no 'in principle' objections to the application.

Design and Visual Impact (Character and Appearance)

- 6.6 Core Strategy policy DC1 requires that all developments shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the character and heritage of an area. Development should be of a high quality, adding to the value of a local area, be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, density, layout, siting, landscape, character and appearance. The NPPF (Section 12) places great importance on achieving good design and in particular paragraph number 130 states that permission should be refused for development of poor design.
- 6.7 The application site is one of a number of plots which comprise the Victoria Business Park employment site. Members will be aware that the site is already well established with many businesses having been located on the site for a number of years. There are very few plots which are undeveloped on the business park and those that have been mainly comprise of modern looking industrial units constructed from a mix of materials (including colours) with various roof shapes. The proposed building would be of gable design and be constructed with light grey profiled, insulated metal cladding with dark grey edge trims to the walls and roof. The applicant has revised his choice of materials following on from officer's advising that a more muted scheme would be required. The request for 'toned down/muted' colours has been made as a result of comments made during consideration of the initial outline planning consent (99/01198/OUT) whereby Green Belt visual impact was considered. The lower sections of the walls (approximately 2m high from ground level) would be constructed using red/brown facing brickwork. All finishing materials should be subject to a condition requiring samples to be submitted. The size of the building has been reduced from that which was originally proposed. The footprint now measures approximately 22.5m x 30m, has an eaves height of approximately 6m and a shallow pitched roof leading to an 8.5m (approximate) ridge height. Six translucent roof lights would be inserted into each side of the roof slope. As well as low level windows and three pedestrian doors the unit would be served by two larger/higher level industrial unit opening doors. Internally the floor space would be split with internal connecting door); approximately one third of the building would be used for a small products display area, a trade counter, offices, male/female WC's and staff kitchen whilst the remaining two thirds would be used for the main warehouse area. There are no objections to the application in terms of the design of the building in its own right. Conditions can secure the details of all other hardstanding areas as well as the final appearance/materials of the sand and gravel bins near to the western boundary. The southern part of the site would be used for brick/block/tile storage areas (maximum of 4.0m high). The proposed building and its general site layout (including parking) is similar to the development found on other plots within the business park and so would not appear particularly out of place. Given that this

site is at the southern end of the business park it is important to secure land levels details (existing and proposed) as well as a landscaping scheme to make sure that the development would sit comfortably within its surroundings. On this basis it is considered that the scheme complies with Core Strategy policy DC1 and design advice within the NPPF.

Highways / Access

6.8 The NPPF together with Core Strategy policies DC1 and T1 require that all development proposals secure safe and suitable access to a site whilst making a contribution towards meeting parking requirements and ensuring that all new development can be satisfactorily accommodated within the highway network. Development should be located within areas that are accessible by sustainable travel modes. There are no issues in terms of accessing the application site or the extent of the parking/turning space within it. The business park has already benefitted from consent for an internal access road and at the time of the site visit it was noted that this has been implemented and completed as far as the application site. The County Highways officer has assessed the application and raises no objections to it subject to a number of conditions concerning the forming of the actual site access, surface water drainage and provision of the parking/turning areas within the site. In the event of planning permission being approved the highways officer recommends that a number of informative notes are added to the decision notice. For these reasons it is concluded that the application is acceptable in terms of highways related matters.

Environmental Health including Noise, Contamination, Ground Gas, Waste and Dust

6.9 The Environmental Health officer (EHO) has assessed the application and has raised no objections to it subject to a number of conditions and informative notes. It is acknowledged that as an industrial estate there is an inevitable amount of noise that would be associated with its use. No residential properties immediately surround the site and development as a whole on the estate is well established and ongoing. No objections in respect of noise have been raised by any members of the public. As the site is the former Victoria coal mine site the EHO confirms that some remediation measures have been undertaken but that they were not fully completed and as such some ground gas risks to future occupiers have been noted that would need addressing at the time of development. The EHO has recommended obtaining a Construction and Environmental Method Statement, a ground gas protection condition and conditions which could deal with the finding of any unexpected contamination and waste disposal.

Coal

6.10 By the very nature of its former use, the application site is

located within a high risk development area. The Coal Authority confirms that its records indicate the presence of 5 recorded mine entries within the application site boundary as well as a further shaft within 20m of the site boundary. Initial reports submitted with the application did identify risks posed by shallow coal mine workings/past surface mining operations and confirmed their investigation and subsequent remediation. However, the Coal Authority objected to the initial scheme on the basis of the proposed built development being located directly above a mine shaft. The applicant subsequently submitted a Coal Mining Risk Assessment and identified a number of mine shafts; this led to the warehouse building being repositioned adjacent to the eastern (roadside) boundary. In terms of visual impact the relocation of the building does not raise any concerns, buildings located close to the business park access road are a common feature of the site. The Coal Authority has now withdrawn its objection and recommends conditional approval.

Flooding/Drainage

- 6.11 Staffordshire County Council has confirmed there are no recorded instances of flooding on the application site however they do observe that there is potential for a high water table in the area which would impact upon any proposals for infiltration SuDS at this location. The County Council does not object to the application subject to a condition to secure drainage details.

Ecology/Biodiversity and Trees

- 6.12 Through the passage of time the application site has been colonised by the natural regeneration of pioneer species since the original land reclamation work was carried out. The Council's Trees and Woodlands officer has noted that the site comprises a good number of sapling/young Goat Willow, with some Birch, Alder and Hawthorne which, individually, are not significant. It is noted that young trees are becoming well established along the western site boundary, near to a section of the Biddulph Valley Way and there exists an opportunity to retain some of the vegetation near to the western and southern boundaries and supplement it with new planting which could be secured by condition.
- 6.13 The application is accompanied by a Preliminary Ecological Appraisal (Apex Ecology) which has been assessed by the Council's Ecology advisor. It is recognised that the site is a suitable habitat for reptiles and potentially Great Crested Newts and further surveys may be appropriate, a construction and landscape management plan is required. The Ecologist comments that a large part of the site is grassland which would meet 'Site of Biological Interest Criteria' and therefore support of this development would result in a significant loss of biodiversity. The officer recommends that net biodiversity gain should be achieved through the creation of species rich grassland, the

area being twice that of the area lost and hedgerow planting would be appropriate. It is noted that Core Strategy policy NE1 advocates the conservation and/or enhancement of biodiversity and geological resources. The Ecology officer advises that if the intention was to create an area of species rich grassland at a nearby open space or countryside site such as Biddulph Grange Country Park then the costs could be in the region of approximately £20,000 and would have to be secured through a S106 agreement.

- 6.14 The financial contribution has to be considered in light of the Community Infrastructure Levy (CIL) test. The application of any levy should be expected to have a positive economic effect on development across a local plan area and consideration must also be given to the potential effect on the viability of developments. CIL tests include whether the contribution which is sought is proportionately related to the development which is proposed. The application is for the relocation of a single, existing business to a well-established industrial estate (the whole of which has previously secured Outline planning consent). In this instance it is considered that a figure of £20, 000 is not proportionate to the development proposed. However ecological matters are a material planning consideration and measures must be put in place to address them. It is recommended that instead of a developer contribution (which would not be CIL compliant) a condition could be added to secure a habitat and landscape management plan on the site and/or on land nearby under the Council (SMDC) or developer's control. The development site adjoins the Biddulph Valley Way, which is an important wildlife corridor and there is an area of Council owned land between the path and the site. In addition, there is a significant area of undevelopable land within the industrial estate area which the developer is intending to purchase from the Council and further opportunities to carry out habitat enhancement around the balancing pond located to the south. Subject to this condition it is considered that the requirements of Policy NE1 can be met.

Conclusion and Planning Balance

- 6.14 The application site forms part of a well-established business park which has suitable vehicular access and easy connections to the highway network. The whole site has previously benefitted from Outline planning consent for an industrial estate and through the passage of time the plots have been developed following on from securing their own individual planning approvals. It is considered that the application site is suitable for the proposed relocation of the Builder's Merchants. Relocating of the business will allow for it to expand, provide further employment opportunities and continue supporting local builders. The design of the proposed building together with the layout of the site is acceptable subject to the imposition of appropriately worded conditions. There are no objections from the EHO in respect of noise, contamination, ground gas, waste and dust. The revised plans now combat the Coal Authorities' initial objections and Staffordshire County

Council has raised no objections in respect of flooding and/or drainage matters. Recognition is given to the ecological site constraints, and as discussed above it is considered that the appropriate way forward in respect of these are through appropriately worded conditions. For the reasons outline above in the report it is recommended that the application is approved subject to conditions.

7. OFFICER RECOMMENDATION

A. That planning permission is approved subject to the following conditions.

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason:- To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.**

- 2. The development hereby approved shall be carried out in accordance with the following submitted plans and subject to the following conditions and/or modifications:-
1708/03 Rev A; 1708/04;
Reason:- For the avoidance of doubt and in the interests of proper planning and in accordance with the National Planning Policy Framework.**

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

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

- 5. The development hereby permitted shall not be brought into use until details of the following works have been submitted to and approved in writing by the Local Planning Authority:**
 - construction detail of access;**
 - surface water drainage interceptor sited on the site boundary;**

The works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.

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

6. The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plan 1708 04. The parking turning and servicing areas shall thereafter be retained unobstructed for the purposes of parking, turning and servicing for the life of the development.

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

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

Reason:- To ensure that the external appearance of the development is satisfactory.

8. The development hereby permitted shall not be commenced until details of all walls, fences and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the occupation of any of the buildings on the site and retained for the lifetime of the development.

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

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

- I. A scheme to minimise dust emissions arising from demolition/construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development.
- II. Details of wheel washing facilities. All demolition/construction vehicles shall have their wheels cleaned before leaving the site;
- III. a scheme for recycling/disposal of waste resulting from the demolition/construction works;

Once approved all relevant activities on the site should be carried out in accordance with Construction and Environmental Method

Statement throughout the course of the development. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.

Reason:- To protect the amenities of the area.

- 10. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development should not commence further until an initial investigation and 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. If the initial site risk assessment indicates that potential risks exist 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.**

Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason:- To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

- 11. Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment.**

Reason:- To protect the amenities of the area.

- 12. Prior to the commencement of development details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the type of light, positioning within the site and details of the level of luminance (including confirmation of static or intermittent light source). The development shall be carried out only in accordance with the approved details.**

Reason:- In the interests of amenity.

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

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

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

- 14.** No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the approved development, unless otherwise approved in writing by the Local Planning Authority. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (March to August inclusive), unless otherwise agreed in writing by the Local Planning Authority and in this case only following careful inspection by a competent person to establish that such trees, shrubs or hedgerow are not in active use by nesting birds.

Reason:- In the interests of species and habitat protection.

- 15.** Before the commencement of development (including any site clearance, stripping, regrading, site establishment or formation of new access) a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include full details of all new tree and shrub planting, giving specification for species, positions, planting sizes and numbers/densities of all new planting. The landscaping scheme so approved shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. The trees and shrubs planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.

Reason:- In the interests of visual amenity and ecology.

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

Reason:- In the interests of habitat and ecological management.

17. Site clearance shall only be carried out between 1st March to 31st August inclusive unless a check for breeding birds has been carried out by an ecologist. In the event that breeding birds are present no work should be carried out until the birds have finished breeding and all dependant young have left the site.

Reason:- All breeding birds, their nests, eggs and young are protected from harm under the Wildlife and Countryside Act 1981 as amended.

18. Outside storage shall be limited to those areas as shown on the above approved plans and shall not exceed a height of 4.0m.

Reason:- To safeguard the visual amenities of the area and in accordance with the applicants intentions.

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

Reason: To restrict the range of goods to protect the vitality and viability of Biddulph Town Centre and in accordance with the National Planning Policy Framework

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Operations Manager – Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's Decision.