

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**24 June 2021**

Application No:	SMD/2021/0257	
Location	Plots 12-15 Victoria Business Park, Prospect Way, Knypersley ST8 7PL	
Proposal	To carry out the development, granted a planning permission last February (SMD/2020/0441), without complying with condition 10 that required the approval and installation of a surface water drainage scheme; and, to make changes to the size and shape of the permitted storage areas.	
Applicant	Mr. Karl Tyler, MF Tyler Transport Ltd (Lark staffs ltd)	
Agent	Wood Goldstraw & Yorath	
Parish/ward	Biddulph	Date registered: 08/04/2021
If you have a question about this report please contact: Benjamin Hurst tel: 07738 506367 <a href="mailto:benjamin.hurst@staffsmoorlands.gov.uk">benjamin.hurst@staffsmoorlands.gov.uk</a>		

## **REFERRAL**

The application is before committee because the applicant is related to a Councillor, and, also, the land was owned by Staffordshire Moorlands District Council on the date of the application. The existing permission SMD/2020/0441, relates to an application determined by members of the planning committee last February.

### **1. SUMMARY OF RECOMMENDATION**

<b>APPROVE</b>
----------------

### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The application site is a currently vacant and undeveloped parcel of scrub land at the southern end of Victoria Business Park. The site is included in, and forms part of, land benefitting from the original planning permission granted for the industrial site.

2.2 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.

### **3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL**

3.1 Planning permission was granted last February (SMD/2020/0441) on the land at Victoria Business Park to provide additional open storage and parking space for the adjacent haulage depot with works to regrade the land to form 3 plateaus and 2 vehicle access routes. The permission was granted subject to 18 conditions, including condition 2 that required the development to be carried out in accordance with the submitted plans, and condition 10 that reads as follows:

*10. The development carried out shall include the installation of surface water drainage in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority. The details shall include;*

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

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

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

3.2 The application is made under s.73 of the Town and Country Planning Act which provides the authority with powers to grant a new permission without certain conditions or subject to differing conditions. In effect, the proposal is to vary condition 2 with the substitution of new plans, and omit condition 10 from the permission so that the development can be carried out without complying with the condition and installing a specific scheme of surface water drainage.

The applicant submits that:

- The revised site plan that shows each of the storage plateaus increased by a further 15m to the west and the end plateau to the south increased by around 20m to the south, would amount to a non-material change to the development.
- the development does not require a scheme of surface water drainage
- The areas would be finished with crushed limestone as a permeable free draining surface, not bound surfaces running to traps
- The areas would not be used to fuel, wash off or carry out maintenance, therefore oil interception is not necessary.

3.4 The applicant did not seek any pre application advice from the Council regarding the application. Details of the application scheme can be viewed at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=128617>

#### **4. RELEVANT PLANNING HISTORY**

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.

SMD/2017/0373 Construction of a building merchants yard. Approved (not implemented).

SMD/2020/0441 Change of use to provide additional open storage. Approved

#### **5. PLANNING POLICIES RELEVANT TO THE DECISION**

5.1 The Development Plan comprises of:

- The Local Plan Development Document (adopted Sep 2020)

##### Adopted Staffordshire Moorlands Local Plan - Sep 2020

The following Local Plan policies are relevant to the application:-

- SS1 Development Principles
- SS6 Biddulph Area Strategy
- E1 Employment Development
- DC1 Design Considerations
- DC3 Landscape and Settlement Setting
- SD4 Pollution and Flood Risk
- NE1 Biodiversity and Geological Resources
- T1 Sustainable Transport

##### National Planning Policy Framework (NPPF).

##### Staffordshire Moorlands Design Guide

##### National Planning Policy Framework (NPPF).

#### **6. CONSULTATIONS**

A site notice was posted and displayed on site, the consultation period expired on the 21<sup>st</sup> May.

##### **Public response to consultation**

6.1 None received

##### **Biddulph Town Council**

6.4 No Comment

##### **SCC Highway Authority**

6.5 No Objection

### **Coal Authority**

6.6 The matter does not relate to past coal mining activity and as such the authority has no comments to make.

### **Severn Trent Water**

6.7 No objection if there is no connection to the public sewer

## **7. OFFICER COMMENT AND PLANNING BALANCE**

7.1 The revised site plan that has been submitted, shows the three storage plateaus covering a larger area of the site, they would be each increased at the rear toward the western boundary by some 15m, and the end plateau, to the south, would have an increased width of a further 20m to the south. The revision would be material, the larger storage areas reducing the width of the landscaped margins and the area of ecology and habitat enhancement. However, overall the revision would maximise the applicant's ability to effectively use this part of the established business park with very limited changes to the external appearance of the land from any public vantage. This proposal would deliver on, and be compliant with, the aims of the development plan spatial strategy to support employment growth, meet the existing and future needs of an existing business by supporting its retention and growth on an established employment site (Local Plan Biddulph Area Strategy SS6 and Employment Policy E1).

In these regards the revisions to the shape and size of the three storage areas would be compliant with the Local Plan, and this is a matter that would outweigh some marginal reduction in landscaping. The revised site plan is considered acceptable.

7.2 Condition 10 of the existing planning permission was not specifically requested or suggested by any of the professional consultees. The Council's planning officers considered the condition to be useful because it would ensure that, if there was any risk of oil or other pollutants being washed into ground water, then there should be a system of bound surface draining to an oil interceptor trap, and then if there was surface water running off from a bound surface its run off and release would be suitably controlled through a sustainable drainage system.

7.3 However, during a pre application meeting and then subsequently in the detail of the application, the applicant explains that the use of these areas should not impose any risk of oil or fuel spillage that might be washed into ground waters, and, there are indeed other conditions on the planning permission that seek to control the uses and prevent this type of activity (cond. 3 none of the land shall be used for "*any industrial process; the repair or maintenance of any vehicle or machine; or for any other purpose that is not included in the description of development.*") overall the need for bound surfaces traps and oil interceptors would be unnecessary.

7.4 The plateau areas would be surfaced with crushed limestone, a free draining permeable material, the plateau mounds shall act as large free draining soakaways that would naturally control the permeation, flow and release of surface waters onto surrounding land. Rather than omit condition 10 completely, it could be amended to ensure that the storage plateaus/areas are only provided with a permeable free draining surface.

#### Conclusion and Planning Balance

7.5 The revised site plan proposes changes to the size and shape of the storage plateaus/areas that would be compliant with the policies of the Local Plan that seek to support business expansion and employment opportunity. On reflection and consideration of the applicant's submission, Condition 10 is not essential to the development, and it can be omitted from a planning permission without risk of localised flooding or pollution of ground waters.

### **8. RECOMMENDATION**

**A. That a new and differing planning permission to permit the development to be carried out in accordance with revised plans and without the installation of a scheme of surface water drainage, be APPROVED for the Change of use and provision of additional open storage and parking space for the adjacent haulage depot with works to regrade the land to form 3 plateaus and 2 vehicle access routes, 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 Section 91(1) of the Town and Country Planning Act 1990 (As Amended)**

**2. The development permitted and described above shall only be carried out in accordance with the plans numbered 4718-01-10 SCHEME C SECTIONS and 4718-01-11 LOCATION\_BLOCK PLAN that were submitted with the original application referenced SMD/2020/0441; and the revised plan numbered 4718-01-13 SITE AREA PLAN that was submitted on the 4<sup>th</sup> March 2021 under application reference NMA/2021/008.**

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

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

**description of development.**

**Reason:- In order to ensure the satisfactory appearance of the development and its relationship to surrounding land.**

**4. The development hereby permitted shall not be brought into use until the site plateaus have been constructed and surfaced in accordance with the plans submitted with the application; and, the accesses between the site's boundary and the carriageway edge, have been carried out and completed, to include a surface water drainage interceptor sited on the site boundary, in accordance with construction details that have first been submitted to and approved in writing by the Local Planning Authority.**

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

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

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

**6. The development hereby permitted shall only take place and be carried out in full accordance and compliance with a Construction and Environmental Method Statement that has first been submitted to and approved in writing by the Local Planning Authority. The Construction Method statement shall include the following details:-**

**i. the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;**

**ii. the arrangements for prior notification to the occupiers of potentially affected properties;**

**iii. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;**

**iv. a scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The approved dust suppression measures shall be maintained in a fully functional condition for the duration of the construction phase;**

**v. a scheme for recycling/disposal of waste resulting from the construction works;**

**vi. the parking of vehicles of site operatives and visitors;**

**vii. the loading and unloading of plant and materials;**

**viii. the storage of plant and materials used in constructing the development;**

- ix. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- x. details of measures to protect the public footpaths and amenity of users of the public footpaths crossing the site during the construction works.

**Reason:- To protect the amenities of the area.**

**7. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development shall not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed in writing by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exist to any identified receptors, development shall not recommence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The approved remediation shall be carried out prior to the first occupation of the development.**

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

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

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

**9. No lighting shall be installed or erected on the site unless the details and specification has first been submitted to and approved in writing by the Local Planning Authority. Such details shall include the means of installation, type of light, positioning within the site and details of the level of luminance (including confirmation of static or intermittent light source). No external lighting shall be installed except in accordance with the approved details.**

**Reason:- In the interests of amenity.**

**10. The plateaued storage areas shall only be constructed and provided with a permeable, free draining crushed limestone surface.**

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

**11. No development shall commence until a ground gas risk assessment has been completed in accordance with a scheme to be agreed in writing with the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted to and agreed in writing by the Local Planning Authority. If the risk assessment indicates that gas protection measures are required, details of the gas protection scheme must be submitted to and agreed in writing with the Local Planning Authority prior to installation. Prior to the development being first brought into use, a validation report demonstrating completion of the works set out in the approved gas protection scheme shall be submitted to and approved in writing by the Local Planning Authority.**

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

**12. Prior to the commencement of development an appropriate scheme of intrusive site investigations and a report of the findings arising from the intrusive site investigations shall be submitted to and approved in writing by the Local Planning Authority. In the event that the site investigations confirm the need for remedial works details of the proposed remedial works shall be submitted to and approved in writing by the Local Planning Authority. The remedial works shall then be carried out in full accordance with the approved details prior to the bringing into use of the development hereby approved.**

**Reason:- To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site and to ensure the safety and stability of the development.**

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

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

**14. Before the development is brought into use, and within the first available planting season, the plateau embankments and all of the land surrounding the plateaus shall be planted and landscaped in accordance with a scheme that shall first be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include full details of all new tree and shrub planting, giving specification for species, positions, planting sizes and numbers/densities of all new planting. The trees and shrubs planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season**

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

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

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

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

- Construction methods that avoid and mitigate pollution impacts, and detail methods to transport waste from the site.**
- Details of any lighting that avoids impacts on breeding birds or bats and on new created roosting or nesting sites.**
- Tree scrub planting along the boundary of the site to include hawthorn, dog rose, hazel and holly of local provenance.**
- Creation of nest boxes for house sparrow and bat roosting opportunities within the fabric of new buildings.**
- Extent and location of proposed works on appropriate scale maps.**
- Persons responsible for implementing the proposed works, and the phasing of works with the construction timetable.**
- Details of initial aftercare and long-term maintenance post creation.**

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

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

**17. Before any site work whatsoever (including any site clearance, stripping or site establishment) begins a programme of mitigation shall be**

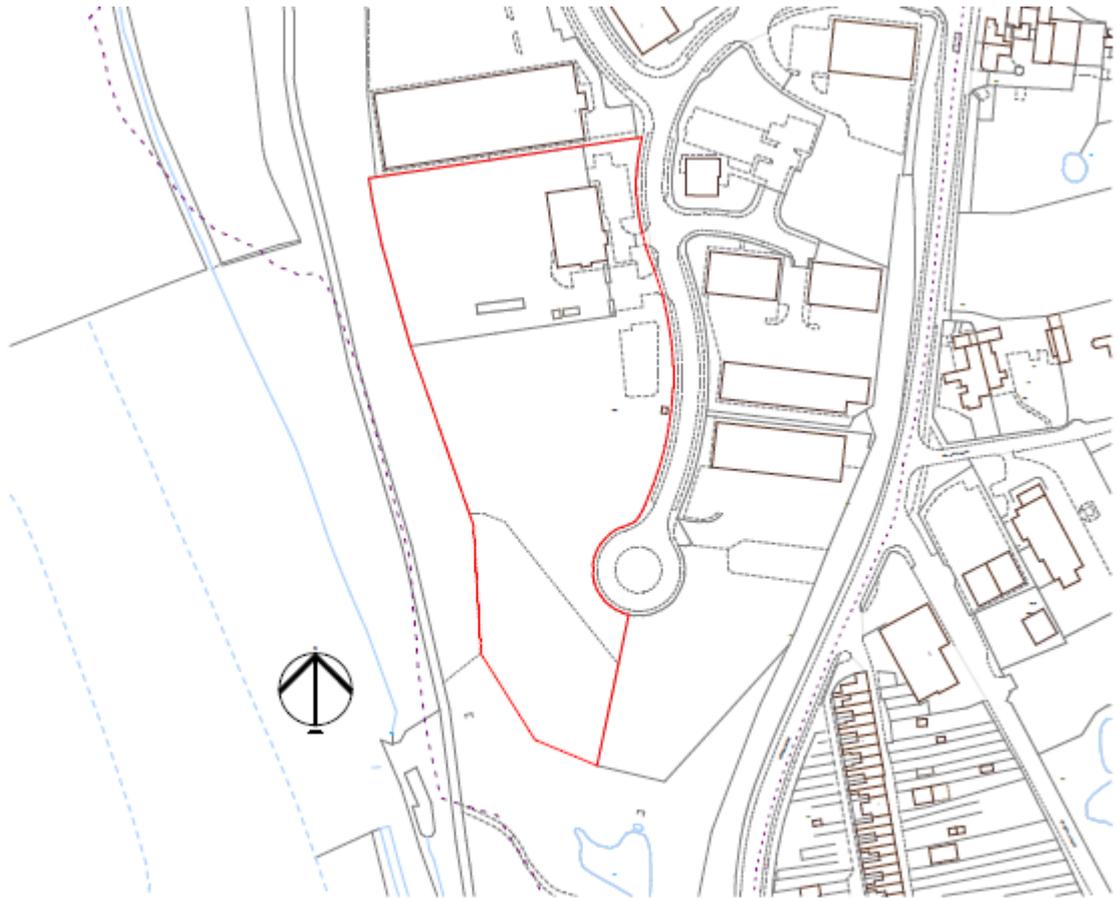
submitted to and approved in writing by the Local Planning Authority setting out measures by which it will be ensured that any risk of threat to Great Crested Newt populations is minimised through the period of site preparation and construction. The programme of measures shall be supported by a Great Crested Newt eDNA sampling survey as detailed in the applicant's submitted report by Apex Ecology dated November 2017 (MR/171108). The programme of measures shall be implemented in the sequence and form approved in writing by the Local Planning Authority. The survey, assessment and any recommended mitigation measures shall be carried out by an ecologically qualified person suitably experienced in surveying for Great Crested Newts in relation to development proposals. Development shall be carried out in complete accordance with the approved mitigation

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

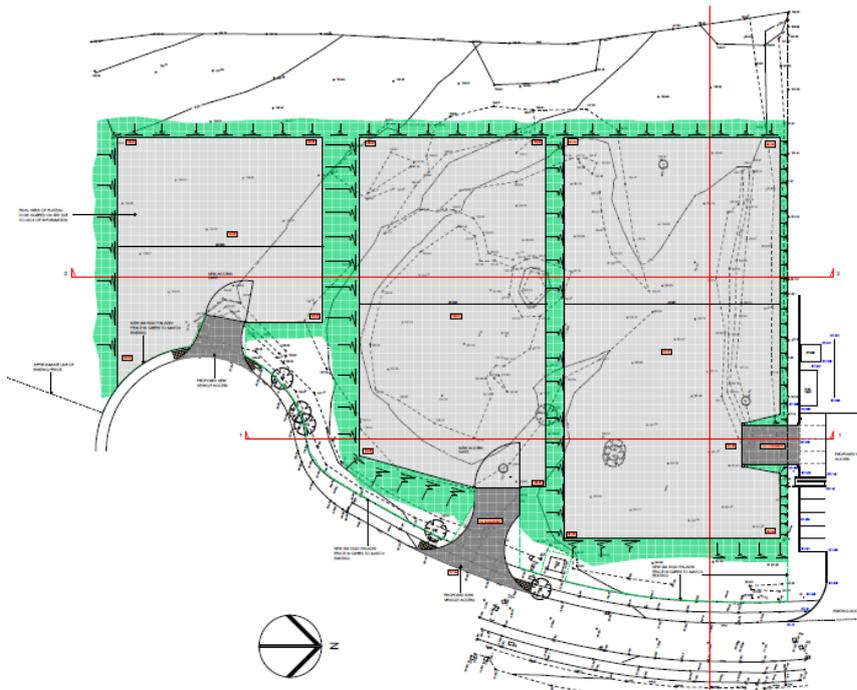
18. Before any site work whatsoever (including any site clearance, stripping or site establishment) begins a programme of mitigation shall be submitted to and approved in writing by the Local Planning Authority setting out measures by which it will be ensured that any risk of threat to reptiles is minimised through the period of site preparation and construction. The programme of measures shall be supported by survey data from the site compiled in advance of any site work in accordance with the methods detailed in the Herpetofauna Workers' Manual (Gent and Gibson 1998) and the mitigation measures shall be implemented in the sequence and form approved by the Local Planning Authority.

**Reason:-** In the interests of biodiversity and safeguarding reptiles.

**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/in formatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of 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.



LOCATION PLAN 1-1250



Existing Permission



Revised Site Plan