

Mr R Walbancke  
Pinewood Bell Heath Way  
Woodgate Valley Business Park  
Woodgate Valley  
Birmingham  
B32 3BZ

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Application no: SMD/2014/0764

Determined on: 04/06/2015

**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:**

Land at Russell Grove, Werrington, Staffordshire

**Description of Development:**

Demolition of existing school buildings and construction of 31 residential units with associated works, access and landscaping 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 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 the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

RG-300-1 A	Location plan
RG-301-02 E	Planning layout
RG-DEN-101-01	Denham elevations plots 3, 4 & 5
RG-DEN-101-02	Denham floor plans plots 3, 4 & 5
RG-DEN-101-03	Denham elevations plots 15, 16 & 17

RG-DEN-101-04	Denham floor plans plots 15, 16 & 17
RG-FAN-101-01	Fanceford elevations plots 1, 9, 10 & 28
RG-FAN-101-02	Fanceford floor plans plots 1, 9, 10 & 28
RG-FAN-101-03	Fanceford elevations plot 29
RG-FAN-101-04	Fanceford floor plans plot 29
RG-HT-101-01	Hanbury/Thatcham elevations plots 18 & 19
RG-HT-101-02	Hanbury/Thatcham floor plans plots 18 & 19
RGW-H24743-101-01	Kellaton elevations plots 20, 21
RG-KELL-101-02	Kellaton floor plans plots 20, 21
RGW-MA-101-01	Marksbury elevations plots 13, 14
RGW-MA-101-02	Marksbury floor plans plots 13, 14
RG-SCO-101-01	Scotswood elevations plot 26
RG-SCO-101-02	Scotswood floor plans plot 26
RG-WES-101-01 A	Weston elevations plots 6, 7, 11, 12 & 22-25
RG-WES-101-02 A	Weston floor plans plots 6, 7, 11, 12 & 22-25
RG-WESW-101-01 A	Westwood elevations plots 2, 8, 27, 30 & 31
RG-WESW-101-02 A	Westwood floor plans plots 2, 8, 27, 30 & 31
STD/G2/902/03	Single detached garage gable to road elevations
STD/G2/902/04	Single detached garage gable to road plans
STD/G6/902/11A	Two attached garages eaves to road elevations
STD/G6/902/12A	Two attached garages eaves to road plans
STD/G15/902/29A	Attached garage eaves to road elevations
STD/G15/902/30	Attached garage eaves to road plans
STD-G3-902-05	Double detached garage eaves to road elevations
STD-G3-902-06	Double detached garage eaves to road plans

Reason:- For the avoidance of doubt and in the interests of proper planning.

3. No development shall be commenced until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- External Facing
- Window Colour / Finish
- Boundary Treatments
- Hard Surfacing
- Chimneys

Development shall thereafter be undertaken in accordance with the approved details.

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

4. 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 buildings have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details.

Reason:- In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties.

#### Ecology

5. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (March to August inclusive) 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 nature conservation.

6. Before any construction work begins, a scheme of compensation measures to include provision of bat roost opportunities within the development and details of any lighting (designed so as not to deter the use of bat roosts) shall be submitted to and approved in writing by the Local Planning. The approved scheme shall thereafter be implemented prior to the first occupation of any dwelling and retained as approved for the lifetime of the development.

Reason:- To ensure co-ordination of the final approved development with the Natural England licensing requirements to safeguard the population of European Protected Species.

#### Trees

7. Before the commencement of development (including any demolition, site clearance, stripping or site establishment), temporary protective fencing and advisory notices for the protection of the existing trees to be retained shall be erected in accordance with guidance in British Standard 5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations* and as set out in the submitted tree survey and arboriculture impact assessment report by Westside Forestry Ltd and shall be retained in position for the duration of the period that development takes place. Within the fenced areas, there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires.

Reason:- In the interests of the general amenities of the area.

8. Before the commencement of development (including any demolition, site clearance, stripping or site establishment) full details of all special measures to avoid/minimise impact on the Norway Maple tree No. 3534 arising from the construction of the access road pavement within the root protection area of this tree shall be submitted to and approved by the Local Planning Authority. Such details shall include all relevant construction specifications and working methods, including phasing/timescales. The development shall be constructed only in full accordance with details approved under this condition.

Reason:- In the interests of the general amenities of the area.

9. Before the commencement of development (including any demolition, site clearance, stripping or site establishment), a fully detailed 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 planting 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 trees / shrub 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 the general amenities of the area.

#### Highways

10. The development hereby permitted shall not be commenced until details of the following works have been submitted to and approved in writing by the Local Planning Authority: construction detail of bellmouth, including reconstruction and realignment; pedestrian dropped crossing; tactile paving at the access and positioning of rumble strip to avoid manholes. The 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.

11. 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 plans. Parking and turning areas shall thereafter be retained for the purposes of parking and turning of vehicles for the life of the development.

Reason:- In the interests of highway safety.

12. The development hereby permitted shall not be brought into use until details of the 2.4m x 30.0m visibility splay to the south of the access onto Russell Grove has been submitted to and approved in writing by the Local Planning Authority. The visibility splay shall thereafter be kept free of all obstructions to a visibility over a height of 600mm above the adjacent carriageway level and shall be provided in accordance with the approved details prior to the development being brought into use.

Reason:- In the interests of highway safety.

13. The garages indicated on the approved plan shall be retained for the parking of motor vehicles and cycles only. They shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.

Reason:- In the interests of highway safety.

14. Notwithstanding any details shown on the approved plans, no development shall be commenced until revised details showing a footway on one side only and the service strip opposite (a minimum service strip width of 2.0m) of the carriageway have been submitted to and approved in writing by the Local Planning Authority: The development shall thereafter be

carried out in accordance with the approved details, be completed prior to the first occupation of any dwelling and shall thereafter be retained as such for the lifetime of the development.

Reason:- In the interests of highway safety.

15. The development hereby permitted shall not be brought into use until the access drives rear of the proposed public highway have been surfaced and thereafter maintained in a bound and porous material for a minimum distance of 5.0m back from the site boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be provided in accordance with the approved details and retained for the life of the development.

Reason:- In the interests of highway safety.

16. The development hereby permitted shall not be brought into use until the access to the site and the accesses to the individual dwellings have been completed.

Reason:- In the interests of highway safety.

17. The development hereby permitted shall not be brought into use until a surface water drainage interceptor (connected to a surface water outfall) has been provided across the access immediately to the rear of the highway boundary where driveways and accesses fall towards the highway.

Reason:- In the interests of highway safety.

18. No mud or other debris or deleterious material shall be deposited on the highway. Any such material that is deposited on the highway shall be immediately removed using appropriate mechanical means.

Reason:- In the interests of highway safety.

### Amenity

19. Once demolition of the site buildings has been completed, development shall not proceed any further until an additional site risk assessment has been undertaken in accordance with a scheme to assess the nature and extent of any contamination on the site has been submitted to and approved in writing by the Local Planning Authority. Once completed, a written report of the findings and recommendations of the further site risk assessment shall thereafter be submitted to and approved in writing by the Local Planning Authority. If the initial site risk assessment indicates that potential risks exist, development shall cease until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been prepared, which shall be subject to the written approval of the Local Planning Authority prior to any commencement of work (excluding demolition). Prior to bringing the development into first use, a validation report demonstrating satisfactory completion of the works as set out in the approved remediation strategy shall be submitted to and approved in writing by the Local Planning Authority.

20. In the event that contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. Development shall not commence any further until an initial investigation and risk assessment has been completed in accordance with a scheme to be first agreed in writing by the Local

Planning Authority, which shall 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 further 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 shall be subject to the written approval of the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details.

21. No top soil 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 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 shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details.

Reason (common to 19-21):- To ensure that risks from land contamination to the future users of the site.

22. No development hereby permitted shall take place until a Construction and Environmental Method Statement of the site has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

- I. The method and duration of any pile driving operations (expected starting date and completion date);
- II. The hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 07:00 to 19:00 hours Mondays to Fridays, and 08:00 to 16:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;
- III. Pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;
- IV. The arrangements for prior notification to the occupiers of potentially affected properties;
- V. The responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
- VI. 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;
- VII. Details of wheel washing facilities. All construction vehicles shall have their wheels cleaned before leaving the site;
- VIII. A scheme for recycling/disposal of waste resulting from the construction works;
- IX. The parking of vehicles of site operatives and visitors;
- X. The loading and unloading of plant and materials;
- XI. The storage of plant and materials used in constructing the development;

- XII. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- XIII. Installation and maintenance of wheel washing facilities, and,
- All works shall be carried out in accordance with the approved details.
- Reason:- In the interests of the general amenities of the area.

#### Drainage

23. No development hereby permitted shall be commenced until comprehensive details of permanent foul drainage proposals for the site have been submitted to and approved in writing by the Local Planning Authority. No dwelling of the development hereby permitted shall be occupied until the foul drainage scheme for the site has been implemented in accordance with the approved details.

Reason:- In the interests of adequate drainage and flood prevention.

#### Informative(s)

1. The Council has sought (negotiated) a sustainable form of development which complies with the provisions of paragraphs 186-187 of the NPPF.

2. Planning permission ref. SMD/2014/0764 shall be read alongside the related s106 Planning Agreement dated the 4<sup>th</sup> June 2015 securing planning obligations including on site affordable housing and off site public open space.

3. The confirmed presence of a maternity bat roost in sections of the building eaves soffits means that before any work affecting these soffits can legally take place a Protected Species Licence to undertake the work must be obtained from Natural England at <https://www.gov.uk/bats-protection-surveys-and-licences>. Failure to carry out the requirements in accordance with the legislation risks offences being committed which could result in legal action including prosecution.

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

4. The construction of bellmouth and conditions requiring pedestrian dropped crossing and tactile paving may require a Minor Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The link below provides a link to a Minor Works Information Pack and an application form for the Minor Works Agreement. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire ST16 2DH. (or email to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk)) <http://www.staffordshire.gov.uk/transport/staffshighways/licences/>



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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](http://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](http://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.