

Mr Ahmad
1 Oaklands Close
Wetley Rocks
Staffordshire
ST9 0AL

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Staffordshire Moorlands
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Application no: SMD/2015/0122

Determined on: 04/09/2015

**Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015**

GRANT OF OUTLINE PLANNING PERMISSION

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 Leek Road, Wetley Rocks, Staffordshire Moorlands

Description of Development:

Outline application with all matters reserved (except access) for residential development

In pursuance of their power under the above mentioned Act, Staffordshire Moorlands District Council Planning Authority, **HEREBY GRANT OUTLINE PLANNING PERMISSION** for the works described above subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

2. The approval of the Local Planning Authority shall be obtained in writing with respect to the plans and particulars of the following reserved matters (hereinafter called the reserved matters) before any development is commenced:

- i) layout
- ii) scale
- iii) appearance
- iv) landscape and lighting

Reason: The application is an outline application under the provisions of Section 5 of Part 3 of the Town and Country Planning Act (General Permitted Development Procedure) Order 2015 and no particulars have been submitted with respect to the matters reserved in the permission.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

4. The development hereby approved shall be carried out in accordance with the submitted specifications and plans as follows: drawing reference 01 revision A.

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

5. Before the proposed development is commenced, details shall be first submitted to and approved in writing by the Local Planning Authority indicating:

- improvements to the access including widths;
- proposals for the replacement / relocation of existing roadside cabinet including re-cutting of loop connections;
- provision of access for agricultural field including details of vehicles likely to require access and demonstration of adequate width.

The works shall thereafter be completed in accordance with the approved details.

Reason: To comply with NPPF guidance; to comply with NPPF policies; in the interests of highway safety, and to ensure the access can be accommodated with respect to street furniture and other uses.

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

- Layout and disposition of buildings and drives;
- Provision of parking and turning within the site curtilage;
- Means of surface water drainage;
- Surfacing materials.

The development shall thereafter be implemented in accordance with the approved details and be completed prior to first occupation of the development.

Reason: To comply with NPPF guidance; to comply with NPPF policies; in the interests of highway safety, and to ensure an acceptable standard of development.

7. The development hereby permitted shall not be commenced until details of the 2.4m x 43m visibility splays have been submitted to and approved in writing by the Local Planning Authority. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level and be provided in accordance with the approved plan prior to the development being brought into use.

Reason: To comply with NPPF guidance; to comply with NPPF policies and in the interests of highway safety.

8. Any gates shall be located a minimum of 12m rear of the carriageway boundary and shall open away from the highway.

Reason: To comply with NPPF guidance; to comply with NPPF policies and in the interests of highway safety.

9. The development hereby permitted shall not be brought into use until details of the

reinstatement of that part of the existing site access, which shall include the access crossing between the site and carriageway edge made redundant as a consequence of the development hereby permitted, being permanently closed and the access crossing reinstated as footway with full height kerb have been submitted to and approved in writing by the local planning authority. The kerb shall thereafter be reinstated in accordance with the approved details.

Reason: To comply with NPPF guidance; to comply with NPPF policies; in the interests of highway safety and to avoid a proliferation of over-wide access crossings.

10. The development hereby permitted shall not be brought into use until the revised access to the site within the limits of the public highway has been completed.

Reason: To comply with NPPF guidance; to comply with NPPF policies and in the interests of highway safety.

11. All noisy activities shall be restricted to the following times of operations.

08:00 - 18:00 hours (Monday to Friday);

08:00 - 13:00 hours (Saturday)

No working is permitted on Sundays or Bank Holidays. In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.

Reason: To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

12. 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.

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

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

14. No construction work shall be carried out, and no materials or waste shall be delivered to or from site, other than between the hours of 07:30 and 19:00 hours on Mondays to Fridays and between the hours of 07:30 and 14:00 hours on Saturdays, and no such operations shall take place at any time on Sundays and Bank/Public Holidays.

Reason: to protect living conditions and avoid the risk of disturbance to neighbouring dwellings during unsocial hours.

Informatives

1. The application has been determined in accordance with Policies: SS1; SS1a; SS2 SS4; SS6a; SD1; SD4; H1; DC1; DC3; C1; NE1 and T1 of the Core Strategy Development Plan and the NPPF.

2. The conditions requiring reinstatement of redundant crossing, relocation of roadside cabinet, recutting and connection of carriageway loops, shall 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 further 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);

<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>

All works will be at the developers expense.

3. The developer should pay due regard and comply with the requirements of the Building Regulations 2010, Part E (Resistance to Sound).

4. During any demolition and construction activities (including landscaping) the contractor should 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.

5. The proposed development is close to existing properties so care needs to be taken during the construction phase to ensure these activities do not cause unreasonable disruption to the neighbours' enjoyment of their properties.

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

Any approved noise scheme and measurements should pay due regard to British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice) and the Building Regulations 2010 Document E or other appropriate guidance.

Advice on controlling flies and light can be found in: Statutory Nuisance from Insects and Artificial Light (defra 2005) available as a free download:

<http://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/statnuisance.pdf>

During any demolition and construction activities (including landscaping) the contractor shall take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.

The control of dust and emissions from construction and demolition Best Practice Guidance, produced by the greater London councils.

<http://www.london.gov.uk/sites/default/files/BPGcontrolofdustandemissions.pdf>

Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456)

If required, contamination risk assessments shall be carried out in accordance with UK policy and with the procedural guidance relating to the contaminated land regime, and should be in accordance with Planning Policy Statement 23 and the CLR Report Series 1-12.

Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.

The Local Planning Authority will determine the acceptability of reports on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post development, where the applicant had prior knowledge of the contamination, the applicant is likely to be liable under Part II (a) of the Environmental Protection Act 1990 and as such become 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 on 0345 605 3012.
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.