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Robinson Homes Ltd
10 Woodside Cottages
Churnet View Road
Oakamoor
Staffordshire
ST10 3EA

Application no: SMD/2015/0161

Determined on: 24/02/2016

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

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 Off CHURNET VIEW ROAD OAKAMoor STAFFORDSHIRE

Description of Development:

Outline permission with some matters reserved (except access and layout) for housing development of 7 detached dwellings

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 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.

- a) The external appearance of the building(s)
- b) The scale of the building(s)
- c) The landscaping of the site

Reason:- The application is an outline application under the provisions of Article 1(2) of the Town and Country Planning (General Development Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this 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 91 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be carried out in accordance with the following approved plans: 157-01-/ATR-01; 0232 AL(0)01F; 0232 AL(0)03D; 1052; 157-01/GA-01; 157-01/ATR-01a; 157-01/GA-01c

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

5. Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities in relation to construction or demolition shall be restricted to the following times of operations:

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

08:00 - 13:00 hours (Saturday), and

No working is permitted on Sundays or Bank Holidays.

In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.

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

6. No development approved by this planning permission shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, property (existing or proposed including buildings, crops, livestock, pets, woodland, service lines and pipes; buildings), adjoining land and ground and surface waters has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

a) A site investigation scheme, based on the information already provided to support a detailed assessment of risks to all receptors that may be affected, including those off site.

b) The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and a remediation strategy giving full details of remediation objectives and remediation criteria

c) A validation plan providing details of the data that will be collected in order to demonstrate that the all works set out in (a) are complete and identifying any requirements

for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the site. Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

7. Prior to bringing the development into first use, a validation report demonstrating completion of the works set out in the remediation strategy required by Condition (7) above, and the effectiveness of the remediation, shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved validation plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (i.e. a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the validation plan, and for the reporting of this to the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the site. Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

8. 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 continue further until an initial investigation and risk assessment have been completed in accordance with a written 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 re-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.

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

10. Before the commencement of development (including any 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, or as otherwise agreed in writing by the Local Planning Authority, 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 unless otherwise agreed by the LPA.

Reason:- To protect existing trees that are in close proximity to the site during the construction period.

11. Before the commencement of development (including any site clearance, stripping or site establishment) full details of all tree protection measures shall be submitted to and approved by the Local Planning Authority. Such details shall include full construction specification for a no-dig cellular confinement/load-spreading system for the proposed new roadway, together with an arboricultural method statement setting out working methods and special protection measures for the avoidance of harm to existing trees on and adjacent to the application site. Such method statement and protection measures shall specifically include details and timescales to ensure that appropriate measures are implemented to protect tree roots in the vicinity of the new roadway from the initial outset of construction activity. Thereafter, the development shall be constructed only in full accordance with details approved under this condition.

Reason:- To protect existing trees that are in close proximity to the site.

12. No part of the development hereby permitted shall be brought into use until the proposed access, parking, servicing and turning areas have been provided in accordance with fully detailed plans and specifications that shall be submitted to and approved in writing by the local planning authority prior to the commencement of development.

Reason:- In the interest of highway safety.

13. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:

- i) a site compound with associated temporary buildings;
- ii) the parking of vehicles of site operatives and visitors;
- iii) loading and unloading of plant and materials;
- iv) storage of plant and materials used in constructing the development;
- v) wheel wash facilities.
- vi) arrangements for banksmen at Church Lane/Churnet View Road junction

Reason:- To ensure that the development is carried out with minimal inconvenience to other road users and to guide construction vehicles safely around the Church Lane/Churnet View Road junction.

14. Before the proposed development is commenced a written agreement shall be entered into with the Local Planning Authority for the rectification of any damage that may be caused to the highways during the site works due to any extraordinary traffic on the highway under Section 59 of the Highways Act 1980.

Reason:- To protect the structural integrity of the highway

15. Full details of all external lighting shall be submitted as part of a future reserved matters application. The scheme shall be designed and installed in accordance with the advice contained in the submitted Bat and Bird Transect Survey Report undertaken by Charnia Ecology dated June 2014.

Reason:- In the interest of protected wildlife species

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no additional external lighting apart from that approved in accordance with Condition no. 16 shall be installed in any part of the development, without prior written consent from the Local Planning Authority.

Reason:- To protect the significant bat roost that is in the locality.

17. No sheeting or netting shall be installed on any scaffolding during development.

Reason:- In the interest of protected species.

18. Compensatory provision shall be is required for bats and should be implemented and

installed as set out in 6.4.4 of page 28 of the submitted Bat and Bird Transect Survey Report undertaken by Charnia Ecology dated June 2014.

Reason:- In the interest of protected species.

19. No development shall be commenced unless and until details and specifications of all boundary fencing (including positions) have been submitted to and approved in writing by the Local Planning Authority. The area of the site that runs parallel with the river shall be designed in accordance with the guidance contained within the submitted Water Vole and Otter Survey. The development shall be constructed in accordance with the approved details using only the approved materials.

Reason:- To ensure that the appearance of the development is acceptable to the Local Planning Authority and to ensure that protected species are not harmed.

20. Before the commencement of development (including any site clearance, stripping or site establishment) a pre-work survey shall be undertaken in accordance with the recommendations set out in the submitted Reptile Survey Report by Charnia Ecology dated July 2014.

Reason:- In the interest of protected species.

21. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy shall demonstrate that the surface water run-off generated up to and including the 1 in 100 year critical storm plus climate change will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include details showing how the facilities are to be managed and maintained after implementation.

Reason:- To prevent an increased risk of flooding both on and off site.

Informatives

1.This is considered to be a sustainable form of development and so complies with the provisions of the NPPF.

2.This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require exemption under S219 - 225: Advance Payments Code of the Highways Act 1980. The applicant/developer should contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works. This

recommendation is issued on the understanding that a joint inspection of the condition of Churnet View Road is undertaken between the developer and Staffordshire County Council before works commence and on completion of construction works. Any damage attributable to the construction works shall be reconstructed at the developer's expense.

3. 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.

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

5. The applicant/developer is advised that responsibility for safe development and secure occupancy of the site rests with the developer.

6. A demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition of the existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements: <http://www.hse.gov.uk/>

7. Any approved noise scheme and measurements should pay due regard to British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice), BS4142:2014 Methods for rating and assessing industrial or commercial sound and/or the Building Regulations 2010 Document E or other appropriate guidance.

8. 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>

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

10. 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)

11. 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.

12. 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.

13. The applicant/developer should follow the risk management framework provided in the Environment AgnCLR11: Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination - refer to the Environment Agency document 'Guiding principles for land contamination' for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health - refer to our website at www.gov.uk/environment-agency for more information.

14. The applicant/developer should refer to the Environment Agency's document 'Groundwater Protection: Principles and Practice' document, available from their website (www.gov.uk/environment-agency). This sets out their position on a wide range of activities and developments, including:

- Storage of pollutants and hazardous substances
- Solid waste management
- Discharge of liquid effluents into the ground (including site drainage)
- Management of groundwater resources
- Land contamination
- Ground source heat pumps

All precautions should be taken to avoid discharges and spills to ground both during and after construction. For advice on pollution prevention measures the applicant should refer to guidance available on the EA website (www.gov.uk/environment-agency).

15. This application shall be read in conjunction with the legal agreement dated (TBC) to secure the provision of 33% affordable housing.

Signed on behalf of Staffordshire Moorlands District Council

NOTES

1. Approval under the Building Regulations may also be required. Advice in this respect can be obtained by contacting the Councils Building Control Section.
2. Where a vehicle is often driven across a grass verge or kerbed footway to and from premises adjoining a highway, the occupier of the premises may, be required to pay the cost of construction of a crossing, and/or may be required to comply with conditions, imposed by the Authority. You should contact the

Highway Authority at Staffordshire County Council.

3. This consent is granted subject to conditions and it is the owner(s) and the person(s) responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond. **A fee is payable to us for the discharge of condition. Please refer to our web site : www.staffsmoorlands.gov.uk for details.** If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a “condition precedent”. The following should be noted with regards to conditions precedent:
 - (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
 - (b) Where a condition precedent is breached and the development is unauthorised, the only way to rectify the development is the submission of a new application.
4. Other conditions on this permission must also be complied with. Failure to comply with any condition may render the owner(s) and the person(s) responsible for the implementation of the development liable to enforcement action.
5. The permission is granted in strict accordance with the approved plans. It should be noted however that:
 - (a) Any variation from the approved plans following commencement of the development irrespective of the degree of variation will constitute unauthorised development and may be liable to enforcement action.
 - (b) Variation to the approved plans will require the submission of a new planning application.
6. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
7. If the decision to refuse planning permission is for a householder application, and you want to appeal against your local planning authority’s decision then you must do so within 12 weeks of the date of this notice. All other types of development have a 6 month deadline for submission of appeals. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the

conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

8. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.