

Clerk to the Town Council
Biddulph Town Council
High Street
Biddulph
Staffordshire Moorlands
ST8 6AR

Mr Scott Millington
Wood Goldstraw and Yorath
Churchill House
Regent Road
Stoke-on-Trent
Staffordshire
ST1 3RH

Clerk to the Town Council
Biddulph Town Council
High Street
Biddulph
Staffordshire Moorlands
ST8 6AR

Application no: SMD/2015/0554

Determined on: 27/07/2016

**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 at Springfield Road, Biddulph, Staffordshire Moorlands

Description of Development:

Creation of 31 allotment plots, access paths, landscaping and associated structures, parking space and fencing

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 conditions:

1) The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2) The development shall be carried out in accordance with the plans and technical details submitted with the application and specifically Location Plan: 4244-01-08A, Proposed Site Plan 4244-01-09A and 4244-01-10.

Reason: For clarity and avoidance of doubt and to ensure the satisfactory appearance of the development in the interests of visual amenity and proper planning.

3) Prior to the commencement of development and notwithstanding drawing 4244-01-04B with drainage details added June 2016 a scheme of land drainage shall be

submitted for the written approval of the Local Planning Authority incorporating 'sustainable' drainage provisions and the development shall be carried out in accordance with the drainage scheme as approved.

Reason: In the interests of sustainable drainage and flood risk management.

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

Reason: In the interests of landscape, biodiversity and amenity.

5) Prior to the commencement of development full details of the site access shall first be submitted to and approved in writing by the Local Planning Authority and shall thereafter be carried out in accordance with the approved details prior to the first use of the site.

Reason: To comply with SMDC Core Strategy Policies T1 and T2; NPPF paragraph 32 and in the interests of highway safety.

6) Prior to the commencement of development and notwithstanding the submitted details a revised drawing indicating the provision of parking space for a minimum of nine vehicles shall be submitted for the written approval of the Local Planning Authority and the development shall be implemented in accordance with the drawing as approved prior to the first use of the site and shall thereafter be retained for the lifetime of the development.

Reason: To comply with SMDC Core Strategy Policies T1 and T2; NPPF paragraph 32 and in the interests of highway safety. To provide adequate parking and in the interests of the efficient use of the highway.

7) Prior to the commencement of development and notwithstanding the submitted details a plan shall be submitted for the written approval of the Local Planning Authority identifying for each allotment plot an area within which the positions of any shed or green house shall be located and these areas shall be at the western ends of each plot. Any shed or green house subsequently installed shall be within the areas shown on the plan as finally agreed.

Reason: In the interests of neighbour amenity and landscape visual impact.

8) No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the approved development (including associated ground levels changes) or to implement a subsequently approved landscaping scheme, unless otherwise approved by the LPA. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (March to August inclusive), unless otherwise agreed by the LPA 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 amenity and biodiversity.

9) The development hereby permitted shall not be brought into use until the access drive rear of the public highway has been surfaced and thereafter maintained in a bound porous material or drained to SUDS principles for a minimum distance of 5m back from the carriageway edge in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The parking area shall be surfaced in accordance with the approved details and so maintained thereafter for the life of the development.

Reason: To comply with SMDC Core Strategy Policies T1 and T2; NPPF paragraph 32 and in the interests of highway safety. To prevent surface water run-off on to the highway.

10) Prior to bringing the development into first use, soil used in the creation of allotment areas should be tested for contamination to ensure suitability for the proposed use. Prior to sampling, a suitable methodology for testing the soil should be submitted to and agreed by the Local Planning Authority and should include the sampling frequency, testing schedules, and criteria against which the analytical results will be assessed. The results of the soil tests should be submitted 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.

11) If soil test results indicate that a potential contamination risk exists the development shall not be brought into use until a detailed remediation strategy to bring the site to a condition suitable for the intended purpose has been prepared and submitted in writing to the Local Planning Authority and been approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to the Local Planning Authority, and the development shall only be brought into use once the LPA has given its written acceptance to the results of the verification report.

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.

12) No 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 by the Local Planning Authority prior to the soils being imported on to the 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 validating evidence submitted to and approved in writing to 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.

13) Timing of operations for all construction and demolition work. 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.

Informatives

1) Any existing trees, shrubs, scrub and ruderal or other existing ground layer vegetation not required to be removed in order to implement the development hereby approved should be considered for retention where suitable to form the basis of the subsequent site landscaping scheme and biodiversity enhancement measures, rather than being automatically removed through pre-development site clearance across the whole site.

2) The drainage condition should be addressed with attention to sustainable drainage principles and the Lead Flood Authority suggestion for a cut-off swale along the east edge of plots 14 to 23.

3) The applicant's attention is drawn to the advice of the Police architectural liaison officer which contains useful detailed guidance.

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

- 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/>

- 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.

- 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 and "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.

5) This determination is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 187 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

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.