STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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Chief Executive

Mr Ken Wainman
Ken Wainman Associates Ltd
31a St. Edwards Street
Leek
Staffordshire
ST13 5DN

Mr & Mrs Carding

Application no: SMD/2017/0494

Determined on: 16th February 2018

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:
Gorseydale, Cheddleton Heath Road, Leek, Staffordshire, ST13 7DX

Description of Development:
Outline planning application for the erection of two detached dwellings

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 condition(s):

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters.

Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. 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 and thereafter the development shall only be carried out in accordance with the details as approved.

Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

3. Details of the Layout, Scale, Appearance, and Landscaping, (hereinafter called """"the reserved matters"""") shall be submitted to and approved in writing by the Local Planning

Authority before any development is commenced and thereafter the development shall only be carried out in accordance with the details as approved.

Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and Articles 4 and 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

4. With the exception of the reserved matters referred to in the conditions of this permission, the development hereby approved shall be carried out in accordance with the following drawings unless otherwise agreed in writing by the Local Planning Authority: Drawing nos. New-1. The access only shall be in accordance with 1459-01, 1459-02 and 1459-03.

Reason:- To ensure that the development is carried out in accordance with the approved plans.

5. Notwithstanding the details submitted with the application, including the indicative plans, no approval is hereby granted for alteration to existing ground levels within the site. The reserved matters shall include details of existing and proposed ground levels and the development shall be carried out in accordance with those details as subsequently approved.

Reason:- In the interests of visual amenity.

6. The maximum number of dwellinghouses accommodated on the site shall not exceed 2.

Reason: For the avoidance of doubt and in order to define the permission.

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 Tree Heritage Ltd Arboricultural Report reference THL-R17/66 submitted in support of the application, and shall be retained in position for the duration of the period that development takes place, unless otherwise agreed in writing by the Local Planning Authority. 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 in writing by the Local Planning Authority.

Reason:- To ensure the continued well being of the trees in the interests of the amenity and environmental quality of the locality.

8. No development shall take place until an Ecological Design Strategy (EDS) addressing mitigation and enhancement has been submitted to and approved in writing by the local planning authority. The EDS shall include details of the following:
a) Detailed design and method statement to secure breeding site for birds and roosting sites for bats within new buildings.
b) Retention of features on site that may have biodiversity value to key protected species or species of conservation concern where possible - for example features that may benefit reptiles.

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c) A landscaping scheme to benefit invertebrate pollinators, bats and breeding birds should be provided. Nectar and berry rich native shrubs providing a variety of habitats for invertebrates should be selected that will benefit foraging birds and bats. Species should be selected that provide structural diversity for wildlife. This may include appropriate climbing species such as cotoneaster, ivy, climbing roses and honeysuckles to create green walls that will further enhance the site and gardens for wildlife. Species selected must be appropriate to the shade or moisture conditions on site.
d) Suitable walls that permit movement of hedgehogs
e) Features shown on appropriate scale drawings and plans.
f) Timetable for implementation showing how works are aligned with other phases of the development.
g) Persons responsible for implementing works.
h) Details of aftercare and long term maintenance.
i) Monitoring and remedial measures.

The EDS shall be implemented as approved and all features shall be retained in that manner thereafter.

Reason:- To mitigate against the loss of existing biodiversity and nature habitats.

9. No ground clearance shall be carried out on the site during the bird nesting season (1 March - 31 August inclusive) unless it has been demonstrated, following inspection by a suitably qualified ecological consultant, that birds are not nesting in areas scheduled for vegetation clearance and a report of their finding has been submitted to and approved in writing by the Local Planning Authority. If nesting birds are located, work shall cease on that part of the site until nesting is completed and fledged young have departed the site and this has been confirmed in writing by the ecological consultant to the Local Planning Authority.

Reason:- To mitigate against the loss of existing biodiversity and nature habitats.

10. No development shall take place until a scheme to avoid and mitigate impacts on foraging badgers has been submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved scheme and all features shall be retained in that manner thereafter.

Reason:- To mitigate against the loss of existing biodiversity and nature habitats.

11. Unless prior permission has been obtained in writing from the Local Planning Authority, 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, including any suspected asbestos containing materials (e.g. bonded cement), 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 prepared, and approved in writing by the Local Planning Authority. The approved remediation scheme shall be carried out in full 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.

13. The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plans. The parking and turning areas shall thereafter be retained for the life of the proposed development.

Reason:- To comply with NPPF Paragraph 32; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety.

14. The development hereby permitted shall not be brought into use until details of the parking and turning areas for the existing dwelling, Gorseydale, have been first submitted to and approved in writing by the local planning authority. The parking and turning areas for the existing dwelling, Gorseydale, shall thereafter be provided in accordance with the approved plans and retained for the life of the development.

Reason:- To comply with NPPF Paragraph 32; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety.

15. Before the proposed development hereby approved is brought into use, the access improvements detailed on drawing 1459-01 shall be completed.

Reason:- To comply with NPPF Paragraph 32; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety.

Informatives

1. The Local Planning Authority (LPA), in reaching this decision, has followed the

guidance in paragraphs 186 and 187 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

2. The access crossing to the site from the highway shall be constructed in accordance with the submitted drawing 1459-01 and SCC requirements. Please note that prior to the access being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Although the pack refers to droppped crossings, a S184 notice is required for an access leaving the carriageway and crossing highway verge. 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/

3. 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.

   • 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

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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.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

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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 at buildingcontrol@staffsmoorlands.gov.uk

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. An application will need to be made to discharge conditions and a fee is payable with the application. For more details please refer to our web site: www.staffsmoorlands.gov.uk 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.

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8. If this is a decision to refuse planning permission for a minor commercial 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.

9. If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

10. If you want to appeal against your local planning authority's decision for any other type of development, including listed building consents then you must do so within 6 months of the date of this notice Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://acp.planninginspectorate.gov.uk

11. The Secretary of State can allow a longer period for giving notice of an appeal, but 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 the Secretary of State 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.

12. 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.