STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Miss Billie Chell
Hewitt & Carr Architects
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ST10 1NP

Mr And Cordon
The Woodlands
Leek
Staffordshire
ST13 7AU

Application no: SMD/2018/0371

Determined on: 26th October 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:
The Woodlands Leek Road Leekbrook Staffordshire ST13 7AU

Description of Development:
Outline application for a proposed dwelling and associated access with all other matters reserved

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 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 siting of the building(s)

b)-The design of the building(s)

c)-The external appearance of the building(s)

d)-The means of access to the building(s)

e)-The landscaping of the site

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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.

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.**

Reason:- To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

3. **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.

4. **The development hereby permitted shall be carried out in accordance with the following approved plans:**
    - **Site as Existing (Drawing number PL(0)01 Rev B, prepared by Hewitt & Carr Architects**
    - **Proposed Plans (Drawing number PL(0)02 Rev B, prepared by Hewitt & Carr Architects**

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

<u>Construction & Demolition works: Time of operations</u>

5. **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.

<u>Construction & Demolition: Construction Method Statement</u>

6. **The development, including demolition hereby permitted shall take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method statement shall include the following details:-**

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I. **A scheme to minimise dust emissions arising from demolition/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.**
II. **Details of wheel washing facilities. All demolition/construction vehicles shall have their wheels cleaned before leaving the site;**
III. **a scheme for recycling/disposal of waste resulting from the demolition/construction works;**
IV. **the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;**

Once approved, all relevant activities on the site shall be carried out in accordance with Construction and Environmental Method Statement throughout the course of the development. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to any deviation from it.

Reason: ***To protect the amenities of the area from dust***

Contamination

7.

i. **No development, shall take place until a site risk assessment has been undertaken to assess the nature and extent of any contamination on the site, in accordance with a scheme to be agreed in writing with the Local Planning Authority. Once completed, a written report of the findings and recommendations shall be submitted and approved in writing by the Local Planning Authority.**

ii. **If the site risk assessment (i) indicates that potential risks exist, development shall not commence, until a detailed remediation strategy to mitigate the identified risks and ensure the site is remediated to a condition suitable for the intended use has been be submitted and approved in writing by the Local Planning Authority.**

iii. **The agreed remediation strategy (ii) shall be adhered to throughout the development.**

iv. **Following completion of the site remediation and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted and approved in writing by the Local Planning Authority.**

Unexpected Contamination

8. **In the event that contamination, including surface coal measures, 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 submit to and 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 exists 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, submitted to and 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**

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report that demonstrates the effectiveness of the remediation carried out must be produced, submitted to and approved in writing by the Local Planning Authority.

Importation of Soil/Material

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 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 submitted to and approved in writing to by the Local Planning Authority.**

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.

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Waste Management

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

Reason: ***To protect the amenities of the area.***

Ecology

11. **Prior to the commencement of any site work whatsoever including site clearance and worker establishment a survey of the site and immediate environs shall be undertaken by an ecologically qualified person suitably experienced in surveying for badgers in relation to development proposals in order to ascertain if there is any badger activity on the site or within such proximity that could be affected by the proposals. The survey shall be undertaken within six months prior to any site work commencing (including clearance and site establishment) and the survey results shall be submitted and approved in writing by the Local Planning Authority and shall include any further mitigation measures found necessary as a result of the survey. Development including site establishment and site clearance shall then only proceed in accordance with the approved mitigation.**

Reason: To ensure appropriate safeguard for protected species.

12. **The reserved matters application shall be accompanied by an assessment for the potential for Great Crested Newts to be present on the site along with a programme of any necessary mitigation found to be necessary as a result of the by which it will be ensured that any risk of threat to Great Crested Newt populations is minimised to the satisfaction of the Local Planning Authority through the period of site preparation and construction. The programme of measures shall be implemented in the sequence and form approved by the Local Planning Authority.**

Reason: in the interests of safeguarding a European Protected Species

13. **The building height shall not exceed 2 storeys**

Reason: In order that the character and appearance of the street scene is maintained

14. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development as specified in Schedule 2, Part 1 Classes A, B, C, D and E, shall be carried out within the site without express planning permission first being obtained from the Local Planning Authority.**

Reason:- To enable the Local Planning Authority to control the development and to safeguard the character and visual amenities of the area.

Informative

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.

- Information on Coal Mining Risk Assessment can be found on the UK government Website:

  https://www.gov.uk/guidance/planning-applications-coal-mining-risk-assessments

- Any approved foul drainage system should meet the British Standard 6297:2007+A1:2008: Code of practice for the design and installation of drainage fields for use in wastewater treatment http://www.bsigroup.com

- 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.

- No information has been submitted in respect of the potential for badgers to be present in the vicinity of the site excavation works. You are reminded that notwithstanding this consent any work which disturbs badgers whilst occupying a sett is illegal without a licence. Natural England's published guidance is that digging with wheeled vehicles within 20m of a sett may require a licence; 30m in the case of tracked vehicles.

- All wild birds including their nests and eggs are protected by law. It is an offence, with certain exceptions, to kill, injure or take wild birds or to take, damage, or destroy their nests or take or destroy their eggs. Site clearance and/or demolition cannot therefore take place where there are birds nesting. Typically this will be in the period mid February to mid August. As this development involves vegetation clearance and/or demolition and/or other activities which would be damaging to any nesting birds present the work should avoid the bird nesting season so far as possible. If such work is to take place in the nesting season an ecologist experienced in bird nesting habits should first be engaged to advise on and ensure that the intended work can legally take place.

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- The Planning Committee have requested that the applicant make careful consideration of the Railway Cottages in any future Reserved Matters Application. It will also need to take account of the Council's amenity standards in relation to separation and overlooking.

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.

The dwelling submitted for reserved matters approval shall respect the height of the adjoining dwellings and shall maintain an adequate standard of amenity for neighbouring occupiers including a suitable distance to the windows of the existing dwelling at The Woodlands to maintain light and privacy.

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.