STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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Chief Executive

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Application no: SMD/2018/0511

Determined on: 08/02/2019

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

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:
Kingsley Youth Club, Holt Lane, Kingsley Staffordshire

Description of Development:
Proposed demolition of a redundant youth centre and construction of four bungalows with associated parking and landscaping and new access.

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 three years from the date of this permission.

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

2. The development hereby approved shall be carried out in accordance with the following submitted plans and subject to the following conditions and/or modifications:-

PL20D; PL21B; PL22B PL23A; PL24B; PL25B; SK20

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

3. 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 Part 1 Class(es) A, B, C, D, E, F, G, H and I and/or Part 2 Class(es) A, B and C, other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason:- To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area, to ensure that adequate private open space is retained within the curtilage of the dwellings and also in the interests of Green Belt policy.

4. The development hereby approved shall be carried out using the following materials:

- Dwellings to be constructed using Forterra Worcestershire Red Multi bricks and Forticrete Gemini tiles in slate grey;

- Black colour tarmac for the access and turning areas (areas identified on the above approved plans); Bradstone Brindle Block Paving for the paths, patio areas and parking areas.

Reason:- In the interests of good design, visual impact and in accordance with the applicant's intentions.

5. The planting scheme shown on DBD Architectural Consultancy Ltd ""Landscaping Plan"" Drg. No. PL 23A, subject to substitution of Elder (Sambucus nigra) with Field Maple (Acer campestre) and/or Dog Rose (Rosa canina) 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, shrubs, herbaceous plants and grass 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 visual amenity and biodiversity.

6. No trees upon the western boundary of the site within the red edge area submitted as part of this application shall be removed unless otherwise agreed in writing by the Local

Planning Authority.

Reason:- In the interests of amenity and visual impact.

7. Prior to first occupation of the dwellings hereby approved 2 x Schwegler 2F boxes shall be attached to existing trees within the trees along the western boundary of the application site and a total of 2 x Schwegler 1WQ bat boxes installed into the approved dwellings in accordance with the details provided within the 'Activity Survey for Bats' document (Dated June 2018). The boxes shall thereafter be retained.

Reason:- In the interests of protected species.

8. Prior to first occupation of the dwellings hereby approved 1 x 1ZA Wren Nest box and 2 x No. 10 Schwegler Swallow Nests shall be erected in accordance with details provided within the 'Activity Survey for Bats' document (Dated June 2018). The boxes shall thereafter be retained.

Reason:- In the interests of protected species.

9. Prior to first occupation of the dwellings hereby approved details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include lighting type, location within the plot and luminance levels and shall thereafter be installed in accordance with the approved details.

Reason:- In the interests of visual amenity and in the interests of protected species.

10. Within 1 month of the date of this decision a Demolition and Construction and Environmental Method Statement shall have been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

I. the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;

II. the arrangements for prior notification to the occupiers of potentially affected properties;

III. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;

IV. a scheme to minimise dust emissions arising from 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. The approved dust suppression

measures shall be maintained in a fully functional condition for the duration of the construction phase;

V. a scheme for recycling/disposal of waste resulting from the construction works;

VI. the parking of vehicles of site operatives and visitors;

VII. the loading and unloading of plant and materials;

VIII. the storage of plant and materials used in constructing the development;

IX. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

X. details of measures to protect the public footpaths and amenity of users of the pubic footpaths crossing the site during the construction works.

All works shall be carried out in accordance with the approved details. Any alteration to this Plan shall be approved in writing by the Local Planning Authority.

Reason:- To protect the amenities of the area.

11. 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. If after consultation with the Local Planning Authority the contamination is considered to pose a possible risk, to human health, buildings and other property and the natural and historical environment (receptors), development shall not commence further until a site investigation and risk assessment has been completed in accordance with a scheme to be agreed in writing by the Local Planning Authority. If the contamination investigation and risk assessment indicates that potential risks exists to 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 the receptors has been prepared, and approved in writing by the Local Planning Authority. The approved remediation shall be carried out 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.

12. Prior to bringing the development into first use, all soils that are intended to be used for the proposed garden/ soft landscaping areas shall be tested for contamination and assessed for their suitability for the proposed use. Prior to sampling, a suitable methodology for testing the soil shall be submitted to and agreed in writing 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 shall be submitted to and approved in writing by the Local Planning Authority. If soil results indicates that a potential risks exists, development shall not commence until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been submitted to and approved in writing by the Local Planning Authority. The approved remediation shall be carried out 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. 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.

14. The dwellings hereby permitted shall not be occupied until the visibility splays shown on drawing no: PL25B have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

Reason:- In the interests of highway safety.

15. Before any of the dwellings hereby approved are first occupied, the access to the site, as illustrated on drawing No PL25B, shall be completed within the limits of the public highway.

Reason: In the interests of highway safety.

16. The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with drawing number PL25B and constructed using Black colour tarmac (for the access and turning areas) and Bradstone Brindle Block Paving (as identified on the above approved plans) and thereafter retained for the lifetime of the development.

Reason:- In the interests of highway safety.

17. Any gates shall be located a minimum of 6 m rear of the carriageway boundary and shall open away from the highway.

Reason:- In the interests of highway safety

18. The development hereby permitted shall not be brought into use until the access drive rear of the public highway has been surfaced in accordance with the approved plans and materials and shall be retained for the lifetime of the development.

Reason:- In the interests of highway safety.

19. The development hereby permitted shall not be brought into use until details of the surface water drainage interceptor, located immediately to the rear of the highway boundary, connected to a surface water outfall, or drainage of the surfaced area to SUDS principles has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use and retained for the lifetime of the development.

Reason:- In the interests of highway safety and satisfactory drainage arrangements.

20. Any soakaways shall be located a minimum distance of 5 m rear of the highway boundary

Reason: In the interests of highway safety.

21. Prior to the first occupation of the development hereby permitted, any buildings, hardstandings or other built development shall be removed from the land edged blue on the approved plans and those areas shall be seeded with meadow grass and the application site boundary shall be fenced in accordance with the details shown on the approved plans.

Reason: To protect the character and appearance of the area and the openness of the Green Belt.

Informatives

1. The application has been assessed against adopted Development Plan policies (including paragraph 38 of the National Planning Policy Framework - July 2018) and any other material considerations. A sustainable form of development is hereby approved.

2. Attention is drawn to condition number 3 of this approval, the effect of which is to withdraw permitted development rights in respect of development which would otherwise not require planning permission. You are advised to contact the Local Planning Authority Development Control Section telephone 0345 605 3013 before undertaking any other development in the future in order to ascertain whether planning permission is required.

3. Staffordshire County Council and the applicant is therefore requested to contact the Council in respect of securing the agreement. Follow the link www.staffordshire.gov.uk/developers for Highway Agreements, a flowchart to identify the relevant agreement, information packs and application forms for the Highway Works. Please

complete and send to the address indicated on the application form or email nmu@staffordshire.gov.uk

4. Staffordshire County Council advises that the former playing field is crossed by four Rights of Way. The drawing shows them around the outside of the playing field which does not tally with SCC records. It will therefore be necessary for the applicant to contact the Rights of Way Team for Staffordshire County Council on rightsofway@staffordshire.gov.uk prior to any development works on the site.

5. 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 demolition 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.

6. Bats are protected by law and in the event that bats or bat droppings are encountered during the development work, all operations should be immediately ceased and advice obtained from an ecologically qualified bat specialist. Work should then continue only in accordance with the specialist advice obtained and with due reference to the law including the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981.

7. Notwithstanding any indications on the plans hereby approved, it is advised that individual trees are not planted within 5m of the dwellings to avoid either potential structural damage or the need to prematurely remove or lop the trees. However, hedge planting as shown along the boundaries would be appropriate assuming subsequent standard hedgerow management in future years once fully established.

8. The attention of the developer should be drawn to the existence of the Public Rights of Way and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path network. The applicant(s) should be reminded that the granting of planning permission does not constitute authority for interference with the right of way or its closure or diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).

9. 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/

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"" 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.

’"" 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.

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"" 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 BControl@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.

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

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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.