STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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Chief Executive

Mr Robert McGuinness
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11 Ashdale Road
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Staffordshire
ST13 6QZ

Mr Smart
Manor Brook
Nr. Uttoxeter
ST14 5AR

Application no: SMD/2019/0212

Determined on: 12th June 2019

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

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:
10 Battlesteads Alton Staffordshire ST10 4BE

Description of Development:
Variation of a condition 4 in relation to SMD/2018/0017

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 begin either before the expiration of three years from 5th April 2018, or 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. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from 5th April 2018

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

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3. 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:

- Scale
- Appearance
- Landscaping
- Layout

Reason:- The application is an outline application under the provisions of the Town and Country Planning (Development Management Procedure) Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission.

4. The development hereby approved shall be carried out in accordance with the submitted approved plans: RLM912/12 Rev A Location Plan

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

5. Before the commencement of works, details of the proposed facing and roofing finishing materials and hard-surfacing materials shall be submitted to and approved in writing by the Local Planning Authority and the approved materials shall be used in the construction of the development unless otherwise agreed in writing by the Local Planning Authority

Reason:- In the interests of the character and appearance of the area

6. The development hereby permitted shall not be brought into use until the visibility splays shown on plan 17/544/01 have been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 900 mm above the adjacent carriageway level

Reason: In the interests of Highway Safety in accordance with policy T1 of the adopted Core Strategy and Paragraph 108 of the NPPF

7. The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plan 17/544/01. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the life of the development.

Reason:- In the interests of Highway Safety in accordance with policy T1 of the adopted Core Strategy and Paragraph 108 of the NPPF

8. The development hereby permitted shall not be brought into use until the access drive rear of the public highway has been surfaced in a bound and porous material for a minimum distance of 10m back from the site boundary in accordance with

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details to be first submitted to and approved in writing by the Local planning authority. The access shall thereafter be maintained as such.

Reason:- In the interests of Highway Safety in accordance with policy T1 of the adopted Core Strategy and Paragraph 32 of the NPPF

9. The development hereby permitted shall not be brought into use until details of the surface water drainage, connected to a surface water outfall, or designed on 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

Reason:- In the interests of Highway Safety in accordance with policy T1 of the adopted Core Strategy and Paragraph 32 of the NPPF

10. No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the development, as hereby approved or as subsequently approved under a related reserved matters application, unless otherwise agreed in writing by the Local Planning Authority (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 nature conservation in accordance with Policy NE1 of the adopted Core Strategy and Chapter 11 of the NPPF

11. Before the commencement of development (including any site clearance, site 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 shall be retained in position for the duration of the period that development takes place, unless otherwise agreed by the Local Planning Authority (LPA). 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:- In the interests of nature conservation in line with Policy NE1 of the adopted Core Strategy and Chapter 11 of the NPPF

12. 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)

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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 in line with Policy DC1 of the adopted Core Strategy

13. 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:-

I. A scheme to minimise dust emissions arising from demolition/construction activities on the site and 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;

Once approved, all relevant activities on the site should 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

14. 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

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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.

v. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

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.

15. 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. Only soil which has been tested in accordance with the above and found to be suitable for use shall be brought onto site.

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.

16. 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 amenity of the area

17. 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-F or Part 2 Class A 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 so safeguard the character and visual amenities of the area and to protect the residential amenities of neighbouring residents

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Informative

1. The applicant is advised that a subsequent reserved matters application for approval of layout should be accompanied by a full tree survey and arboricultural impact assessment report incorporating a tree constraints plan and tree protection plan, in accordance with British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations. It is noted that the indicative layout submitted with the outline planning application hereby approved is unlikely to be considered acceptable with regard to impact on and relationship with existing trees, and any alternative layout proposal would be expected to give due regard to potential direct and indirect impacts on trees to be retained.

2. 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.

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

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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.
13.