STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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Chief Executive

JPK Design
83 Dimsdale Parade East
Newcastle
Staffordshire
ST5 8DP

Mr Lazenby
Whyte Gate
Breach Lane
Staffordshire
ST10 4JL

Application no: SMD/2018/0547

Determined on: 02/07/2019

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:
Land To The Rear Of Whyte Gate Breach Lane Upper Tean Staffordshire

Description of Development:
Proposed residential development consisting of 3 no.Bungalows and 2 no. 1.5 Storey dwellings together with new access to site.

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, including the details of planting/landscaping shall be carried out in complete accordance with the submitted amended plans and specifications as follows:-

Location Plan
Site Plan JPK 18 3963 1 Revision C dated 23.04.19
3963 VS Revision C dated 18.06.19
3963/6 Revision B dated 25.06.19

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3963/2
3963/3
3963/4

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

3. Before the construction of any of the walls of the approved buildings commences, details of the finishing materials, roofing materials and the hard-surfacing of the site in terms of the type, colour and texture of materials, shall be submitted to and approved by the Local Planning Authority.
Reason:-
In the interests of the character and appearance of the area.

4. All existing trees and hedges on site shall be retained except for the parts of the boundary hedge that are directly required to be removed to allow for the provision of the approved access and approved access visibility splay to the east of the proposed access and this section of hedge shall be replaced, clear of the visibility splay and access road before the development is brought into use. There shall be no removal of any hedgerows during the bird nesting season (nominally March to August inclusive).
Reason:-
In the interests of the character and appearance of the area and the ecological value of the area.

5. The proposed foul drainage shall drain into existing mains foul drains and the surface water shall drain into soakaways.
Reason:-
In the interests of the appearance of the area, prevention of flooding and to protect the immediate environment in general.

6. Notwithstanding the details shown in the approved drawings, no fences shall be erected to the east of the bungalows hereby approved or to the south of the two-storey dwellings hereby approved.
Reason:-
In the interests of the character and appearance of the area.

7. 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 to F or Part 2 Class(es) A and C 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 and to protect the residential amenities of neighbouring residents.

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Chief Executive

8. The visibility splays shown in the approved drawings shall be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level for the lifetime of the development and be provided in accordance with the approved plan prior to the development commencing. Replacement hedging to the east shall be set back behind the visibility splay.
Reason:-
In the interests of highway safety.

9. The dwellings hereby approved shall not be first occupied until the access to the site has been completed in accordance with the approved plans. The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans. The parking, turning and servicing areas shall thereafter be retained unobstructed as parking, turning and servicing areas for the life of the development.
Reason:-
In the interests of highway safety.

10. The development hereby permitted shall not be brought into use until the private drive (as denoted on drawing JPK/18/3963/VS/B) rear of the public highway has been surfaced in a bound and porous material in accordance with 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.

11. Before the proposed development is brought into use, a bin store and bin collection area shall be provided in exact accordance with details to be submitted to and approved in writing by the Local Planning Authority. The store shall be adjacent to, but clear of the footway to store bins on collection day clear of the footway to avoid obstruction of the footway. The bin store area shall thereafter be retained for the life of the development.
Reason:-
In the interests of highway safety.

12. No phase of the development hereby permitted shall take place until a Demolition and Construction and Environmental Method Statement has 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

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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 prior to any deviation from it.
Reason:-
To protect the amenities of the area.

13. 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. 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 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 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 report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing 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.

14. 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 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.

15. 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.

16. The construction of the walls of any of the dwellings shall not commence until a site specific scheme for protecting the proposed residential units from noise, has been submitted to, and approved in writing by the Local Planning Authority. The submitted scheme shall have due regard for the British Standard BS8233:2014 (Guidance on Sound Insulation for Buildings) and the ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise: New Residential Development be designed to achieve noise levels of less than 30db Laeq in bedrooms (night), less than 35 dB LAeq in bedrooms (daytime), less than 40 dBLAeq in living areas and less than 55dB LAeq in outside living areas.The approved scheme shall be implemented in full prior to the first occupation of the development.
Reason:-
To protect occupiers from noise and safeguard their residential amenities.

17 Notwithstanding any indication on the plans hereby approved, a comprehensive landscaping scheme shall be implemented in exact accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall in particular provide for the planting of a replacement hedgerow of mixed native shrubs and standard trees behind the access visibility splays to the Draycott Road site frontage, supplementary hedge planting on the eastern boundary of the site and the planting of suitable native trees to plot frontages and along the eastern side of the site. The details shall include full specifications of all new trees, shrubs and other planting, giving details of species, positions, planting sizes and numbers/densities of all new planting. The landscaping scheme so approved shall be fully implemented before the end of the first available dormant season (November to February inclusive) following the 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 the character and appearance of the site, its ecological value and as compensation for hedges recently removed.

18. The part of the site to the east of the proposed access road shall be maintained as scrubland in accordance with details to be submitted with Condition 17.
Reason:-
In the interests of the ecological value of the site.

Informatives

1. The Council has sought (negotiated) a sustainable form of development which complies

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Chief Executive

with the provisions of paragraphs 186-187 of the NPPF.

2. One of the photographs shows a length of internal boundary hedge with the field to the east being removed. This only needs to be removed to the limit of the visibility splay.

3. 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.

4. The construction of the bellmouth shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to (nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.
https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx

5. The applicant is informed that any building works within 15m of the overhead electricity lines running through the site require Western Power Distribution's written consent. This is measured horizontally from the outer most conductor. The applicant is also required not to grow any trees of coppice wood within 15m of the outer most conductor (measured horizontally from the outer most conductor) or to alter the level of the ground as to make the distance between the ground and the lowest conductor less than 6m.

6. 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 ProPG: Planning and Noise - New Residential Development, 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.

"" Prior to operations commencing on site, the Pollution Control or Environmental Health

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Chief Executive

Department of the local authority in whose area the mobile plant is operating and Staffordshire Moorlands District Council, should be informed of:
a. The location and dates when the mobile plant is expected to start operating, and,
b. the serial numbers of the mobile plant involved.

"" 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

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

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 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.