STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

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Chief Executive

Mr Bridgett
Bridge House
Hanging Bridge
Mayfield
Ashbourne
DE6 2BN

Application no: SMD/2019/0117

Determined on: 09/09/2019

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:
Land Adjacent 44 Froghall Road Cheadle Staffordshire

Description of Development:
Outline permission with all matters reserved for the erection of 1.5 storey, 3 bedroom dwelling

In pursuance of their power under the above mentioned Act, Staffordshire Moorlands District Council Planning Authority, **HEREBY GRANT OUTLINE PLANNING PERMISSION** for the works described above subject to the following condition(s):

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

Reason:- To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (As Amended)

2. 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 layout of the site
b)-The scale 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

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.

3. 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.

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

13L28P01 Rev C.

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

5. Notwithstanding the details shown on the above approved drawing this permission neither grants nor implies consent for the indicated location of the proposed dwelling or garage.

Reason:- For the avoidance of doubt as to what is approved and because the application is in outline format only.

6. The development hereby permitted shall not be commenced until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the proposed building(s), have been submitted and approved in writing by the Local Planning Authority. There shall be no variation in these levels without the written approval of the Local Planning Authority.

Reason:- In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties.

7. 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

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8. In the event that soil 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 agreed 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 commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment has been prepared, and is subject to the approval in writing of 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 must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

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 sahll 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

Reason: To protect the amenities of the area.

11. No development hereby approved shall be commenced until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- Disposition and layout of buildings;
- Provision of parking, turning and servicing within the site curtilage;
- Means of surface water drainage;
- Surfacing materials;

The development shall thereafter be implemented in accordance with the approved details and be completed prior to first occupation of the development.

Reason:- In the interests of highway safety.

12. Any garage shall be constructed with minimum internal dimensions of 3m wide x 6m long and shall be retained for the parking of motor vehicles and cycles. It shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.

Reason:- In the interests of highway safety.

13. The development hereby permitted shall not be commenced until details of all walls, fences and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the occupation of any of the buildings on the site.

Reason:- To provide adequate privacy and an acceptable external appearance.

Informatives

1. The application has been assessed against adopted Development Plan policies (including paragraph 38 of the National Planning Policy Framework - February 2019) and any other material considerations. As the application is acceptable there was no need for any negotiation and accordingly a sustainable form of development is approved

2. This Permission does not confer on the Applicant the right to build on or over land owned by a third party without the third party's consent. You should therefore seek the prior agreement of your neighbour(s) before entering their land.

3. 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 carriedout prior to the demolition of the existing buildings. The enforcing authority for this type ofwork is the Health and Safety Executive (HSE) and it is recommended that you contactthem directly to discuss their requirements: http://www.hse.gov.uk/

•Any approved noise scheme and measurements should pay due regard to theProfessional Guidance on Planning and Noise (ProPG), British Standard BS8233: Soundinsulation and noise reduction for buildings (Code of Practice), BS4142:2014 Methodsfor rating and assessing industrial or commercial sound and/or the Building Regulations2010 Document E or other appropriate guidance

•Advice on controlling flies and light can be found in: Statutory Nuisance from Insects andArtificial Light (defra 2005) available as a free downloadhttp://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/statnuisance.pdf

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•During any demolition and construction activities (including landscaping) the contractorshall take all reasonable steps to prevent dust formation and prevent any dust formedfrom leaving the site boundary.

•The control of dust and emissions from construction and demolition Best PracticeGuidance, produced by the greater London councilshttp://www.london.gov.uk/sites/default/files/BPGcontrolofdustandemissions.pdf

•Building Research Establishment Guidance Document 'Control of Dust fromConstruction and Demolition Activities' (BR456)

•Any approved foul drainage system should meet the British Standard6297:2007+A1:2008: Code of practice for the design and installation of drainage fieldsfor use in wastewater treatment http://www.bsigroup.com

•Advice on controlling flies and light can be found in: Statutory Nuisance from Insects andArtificial Light (defra 2005) available as a free downloadhttp://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/statnuisance.pdf

•If required, contamination risk assessments shall be carried out in accordance with UKpolicy and with the procedural guidance relating to the contaminated land regime, andshould be in accordance with Planning Policy Statement 23 and the CLR Report Series1-12.

•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 theProtection 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 andhumans, 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 ofthe 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 RemediationStrategy 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

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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 inthis 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.

4. Severn Trent Water advise that there may be a public sewer located within the application site. Severn Trent state that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

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.

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.