STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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Chief Executive

Mr Michael Askew
Knights Plc
The Brampton
Newcastle-under-Lyme
ST5 0QW

Mr Howle
Brook Works Brook Street
Biddulph
ST8 6PF

Application no: SMD/2019/0399

Determined on: 19th December 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:
Brook Works Brook Street Biddulph Staffordshire ST8 6PF

Description of Development:
Outline Planning Application for Residential Development Comprising of the Erection of 4no. New Build Dwellings and retention of existing stables

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:-

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a) Appearance
b) Landscaping
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 permitted shall be carried out in accordance with the following approved plans: 3735-02- 15J 18 and 19
Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

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.

6. No development approved by this planning permission shall take place until intrusive site investigation works have been undertaken, the exact form of which shall first be agreed in writing with the Local Planning Authoirty in conjunction with the Coal Authority. In the event that site investigations confirm the need for remedial works, a detailed remediation scheme to bring the site to a condition suitable for the intended use by appropriately treating areas of shallow mine workings and removing all other unacceptable risks to human health, property (existing or proposed including buildings, crops, livestock, pets, woodland, service lines and pipes; buildings), adjoining land and ground and surface waters shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Coal Authority Permitting team before development commences. The Site investigation and Remedial scheme must include:
a. A site investigation scheme, based on the information already provided to support a detailed assessment of risks to all receptors that may be affected, including those off

site and including any coal mining legacy issues.
b. The results of the site investigation and the detailed risk assessment referred to in (a) and, based on these, an options appraisal and a remediation strategy giving full details of remediation objectives and remediation criteria
c. A validation plan providing details of the data that will be collected in order to demonstrate that the all works set out in (a) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action together with a timetable for the works.
The Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
Reason:- To ensure the safety and stability of the development and ensure that it meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters, property and wider environment are known and where necessary dealt with via remediation and or management of those risks.

7. Prior to bringing the dwellings hereby approved into first use, a validation report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved validation plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the validation plan, and for the reporting of this to the local planning authority
Reason:- To ensure the safety and stability of the development and that it meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters, property and wider environment are known and where necessary dealt with via remediation and or management of those risks.

8. 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 any further until an initial investigation and risk assessment has been completed in accordance with a scheme to be first agreed in writing by the Local Planning Authority, which shall 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 further 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 shall be subject to the written approval of the Local Planning Authority. Development shall thereafter be undertaken in accordance with the approved details.
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.

9. No top soil / fill material 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.

10. The development, including demolition hereby permitted shall not take place until a Construction and Environmental Method Statement has been first submitted to and approved in writing by the Local Planning Authority. The Construction Method statement should include the following details:-

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;

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

11. 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 and E 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:- In the interests of maintaining the openness of the Green belt and to ensure policy compliance.

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12. The total voume of the dwellings hereby permitted shall not exceed 1248 cubic metres.
Reason:- In the interests of the openness of the Green belt and to ensure policy compliance

13. The dwellings hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plans. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the life of the development
Reason:- To comply with NPPF paragraph 108; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety

14.The development hereby permitted shall not be brought into use until such time that the access drive rear of the public highway has been surfaced and thereafter maintained in a bound material for a minimum distance of 5m back from the carriageway edge in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be surfaced in accordance with the approved details.
Reason:- To comply with NPPF paragraph 108; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety.

15. Notwithstanding the submitted Planning Statement the dwellings hereby approved shall not exceed 7.5m in height from existing ground level
Reason:- To define the permisison and in the interests of the openness of the Green belt and character and apeparance of the area.

16. Prior to the ccommencement of development (including any demolition, site clearance, site stripping or site establishment) temporary tree protection barriers 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 as set out in the Tree Heritage Arboricultural Report reference THL-R19-59 dated 24th June 2019 submitted in support of the application hereby approved, and this shall be retained in position (allowing for recommended re-positioning following demolition phase) for the duration of the period that development takes place.. 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.
Reason:- To protect existing trees during construction

17. No development shall take place until full details of the finished floor levels of the proposed dwellings in relation to existing ground levels and details of any retaining

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structures to be provided have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details
Reason:- To ensure an acceptable external appearance and relationship with existing properties.

18. No development above slab level shall commence until a scheme of biodiversity enhancement to include the provision of bird and bat boxes within the development has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the agreed details
Reason:- To secure biodiveristy enhancement within the scheme.

19. No development shall commence on site, including demolition and site clearance until a Statement of Precautionary Working Methods has been submitted to and approved in writing by the Local Planning Authority. The Statement shall include amongst other matters for a pre commencement bat check of Building 4 and details of future steps in the event that new evidence of bats is found in this building. The development shall proceed strictly in accordance with the agreed Statement
Reason:- In order to safeguard protected species. .

20. None of the dwellings hereby approved shall be occupied until such time that a Scheme detailing and securing the future maintenance and management of the following areas shown on Drawing no 3735-02-15 J has first been submitted to and approved in writing by the Local Planning Authority. The agreed measures shall remain in place for the lifetime of the development
-The areas of open space, shaded light green
-The estate access road
Reason:- To secure an acceptable finish and the long term maintenance of areas outside of plot curtilages.

21. No development of the dwellings hereby approved above slab level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be installed and completed in accordance with the agreed details before the dwellings hereby approved are occupied.
Reason:- To ensure an acceptable external appearance

22.Before first occupation of any of the dwellings hereby approved details of the following shall first have been submitted to and approved in writing by the Local Planning Authority.
- External lighting scheme for the stables and yard
- Arrangements for the storage and collection of manure

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The agreed details shall be installed/made available prior to first occupation of any of the dwellings hereby approved.
Reason:- To protect residential amenity

Informative

1. This is a sustainable development which complies with the provisions of the National Planning Policy Framework.

2. The applicant is advised that the subsequent landscaping scheme will be expected to make provision for the planting of a new mixed native species field hedgerow, to include informally-spaced native standard hedgerow trees, along the western, northern and north-eastern boundaries of the site. Such provision should be fully specified in terms of location, species, numbers/densities and planting sizes of all new trees and shrubs in a detailed and fully comprehensive planting scheme to be submitted with a subsequent reserved matters application for approval of landscaping. The applicant's attention is drawn to the advice on landscaping from Staffordshire Wildlife Trust contained in their consultation response dated 17th September 2019

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

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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.