STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Andrew Bailey
MAC Architectural Design Limited
Moorland House 123 Moorland Road
Stoke on Trent
Staffordshire
ST6 1JD

Mr Ratcliffe
The Hawthorns Earlsway
Waterhouses
ST10 3EG

Application no: SMD/2019/0578

Determined on: 03/01/2020

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:
The Hawthorns Earlsway Waterhouses Staffordshire ST10 3EG

Description of Development:
Variation of condition 6 of SMD/2014/0761

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 on or before 12th January 2020.

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

2. The development hereby approved shall be undertaken in exact accordance with Reserved Matters approval SMD/2017/0623 and drawing 1354-01.

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

3. A 1.5 metre high chestnut paling fence shall be erected to the full extent of the canopy of

each tree or group of trees to be retained on the site, or such lesser distance as may be agreed in writing with the Local Planning Authority, and such fencing shall be erected before the commencement of the clearing, demolition and building operations hereby approved. The fencing shall be retained in position at all times until the completion of the development, and that the land so enclosed shall be kept clear of all contractor's materials and machinery at all times. The existing soil levels around the boles of the trees to be retained shall not be altered.

Reason:-
To ensure that the trees are not damaged during the period of construction.

4. In the event that contamination not previously identified is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. Development shall not commence further until an investigation and risk assessment has been completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority to assess the nature and extent of the contamination on the site. If the risk assessment indicates that potential risks exist, 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 has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the development.

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.

5. No top soil or fill material is to be imported to the site until it has been tested for contamination and results submitted to and approved in writing to by the Local Planning Authority. The proposed methodology for testing the material shall be agreed in writing with the Local Planning Authority prior to the soils being imported onto sit and should include the sampling frequency and the proposed criteria against which the results will be assessed and source of the material.

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.

6. The development hereby permitted shall not be brought into use until the access to the site has been surfaced in a bound and porous material for a minimum of 15m rear of the highway boundary. The surfacing shall thereafter be maintained

Reason:-
In the interests of highway safety

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7. The development hereby permitted shall not be brought into use until a surface water drainage interceptor, connected to a sustainable outfall, has been provided across the access immediately to the rear of the highway boundary unless otherwise agreed in writing by the Local Planning Authority.

Reason:-
In the interests of highway safety

8. Before the proposed development is brought into use, the access shall be widened as shown on drawing 330/2 to provide a minimum width of 4.2m which shall thereafter be retained for the life of the development.

Reason:-
In the interests of highway safety

9. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway, including dropped kerbs, has been reconstructed in accordance with details to be first submitted to and approved in writing by the local planning authority.

Reason:-
In the interests of highway safety

10. i. With the exception of the car passing area in the west part of the site completely enclosed by a red line boundary and as defined in drawing 1354-01 as ""LAY BY"", no further 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 submitted to and 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 further, 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 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. Development of the above mentioned car passing area shall be undertaken in exact accordance with ""Method Statement - D Stubbs Construction"" received by the Local Planning Authority on 12.12.19.

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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.

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:
- 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.

Reason:-
In the interests of highway safety

12. The development hereby permitted shall not be commenced until a scheme of foul drainage and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

Reason:-
To ensure satisfactory drainage of the site and to avoid flooding.

Informative

1.The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in paragraph 38 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 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.

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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.