STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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Chief Executive

Miss Hannah Mountford
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17-19 Leek Road
Cheadle
Staffordshire
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Mr Clark
The Old Coach House Horse Fair
WS15 2EL

Application no: SMD/2019/0722

Determined on: 30th April 2020

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 Adjacent To Rakeway Grange Rakeway Road Cheadle Staffordshire

Description of Development:
Erection of 6no. Residential Dwellings

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 permitted shall be carried out in accordance with the following approved plans:
   AL(0)01F Site Layout & Streetscene
   AL(0)04E House Type
   AL(0)06 Site Plan as Existing
   AL(0)07(1) Landscaping Plan
   K817-100 Impermeable Plan
   K817-101 Proposed Levels
   K817-102 Proposed Drainage Plan

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Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

3. External Building materials shall be in accordance with document reference: 00931 MS, dated October 2019.

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

4. All hard and soft landscape works shall be carried out in accordance with the approved details and to a standard in accordance with the relevant recommendations of British Standard [4428 : 1989]. The works shall be carried out prior to the occupation of any part of the development or in accordance with a timetable to be agreed in writing by the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

   Reason:- In the interests of the visual appearance of the development and the amenities of the area.

5. Unless prior permission has been obtained in writing from the Local Planning Authority, 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.

   Reason:- To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

6. All site works shall be carried out in accordance with CONSTRUCTION & ENVIRONMENTAL MANAGEMENT PLAN For CCP DEVELOPMENTS (STONE) LTD submitted with the application. 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.

7. (i) All site works shall be carried out in accordance the CONTAMINATED LAND REMEDIAL STRATEGY (Dated: 15 04 20 Job No: 19-2123-3) submitted with the application for the development,

   (ii) 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, and containing the information proposed in the CONTAMINATED LAND REMEDIAL STRATEGY (Dated: 15 04 20 No: 19-2123-3) must be submitted and approved in writing by the Local Planning Authority.

   (iii) If, during the course of development, any contamination is found which

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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.

8. No top soil is to be imported to the site until it has been tested for contamination in accordance with the methodology outlined in the CONTAMINATED LAND REMEDIAL STRATEGY (Dated: 15 04 20 No: 19-2123-3), submitted with the application for the development.

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. 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.

10. Within three months from the date of commencement, 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 and be designed to achieve noise levels of less than 30 dB LAeq in bedrooms, less than 40 dB LAeq in living areas and 50dB LAeq in outside living areas. The approved scheme shall be implemented prior to the first occupation of the dwellings to which it relates.

Reason:- To protect occupiers from noise and safeguard their residential amenities.

11. The development hereby permitted shall not be brought into use until the visibility splays of 2.4m x 120m shown on plan 00931 AL(0)01F have been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600mm above the adjacent carriageway level.

Reason:- To comply with NPPF paragraph 108; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety.

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12. The development hereby permitted shall not be brought into use until details of the following highway works have been submitted to and approved in writing by the Local Planning Authority:

    - Widening of the footway on the site frontage to a minimum of 1.8m

    The highway works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.

    Reason:- To comply with NPPF paragraph 108; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety.

13. The development hereby permitted shall no 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 therafter be retained unobstructed as parking and turning areas for the like 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. Before the proposed development is brought into use, the bin store adjacent to, but clear of the footway to store bins on collection day clear of the footway to avoid obstruction of the footway shall be provided in accordance with approved drawing 00931 AL(0)01F. The bin store area shall be retained as a collection day bin store 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.

15. The development hereby permitted shall not be brought into use until details of a surface water drainage interceptor sited immediately rear of the highway boundary and connected to a surface water outfall (or drained to 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:- To comply with NPPF paragraph 108; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety.

16. No trees, shrubs or hedgerows shall be removed other than those whose removal is directly required to accommodate the development, as hereby approved, unless otherwise approved in writing by the Local Planinng 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 in writing 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.

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Reason:- In the interests of nature conservation having regard to policies SS6c, R1 and NE1 of the SMDC Core Strategy and Chapter 11 of the National Planning Policy Framework.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or as may subsequently be amended or re-enacted) no extensions, alterations or buildings within the site curtilage normally permitted by Classes A to E of Part 1 Schedule 2 to that Order shall be carried out unless a further planning permission has first been granted on application to the Local Planning Authority.

    Reason:- To protect the visual amenities of the area and to protect the character and appearance of the site.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any Order revising, revoking and re-enacting that Order with or without modification, no new hardstanding forward of the north (front) elevation of the dwelling(s) hereby approved shall be formed, laid out or constructed within the site unless a further planning permission has first been granted on application to the local Planning Authority.

    Reason:- In order to protect the character and appearance of the site and wider local vernacular.

Informative

This application constitutes a sustainable form of development in acordance with the objectives of the National Planning Policy Framework.

Environmental Health

Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

All lighting details should be provided with predicted LUX levels at the cartilage of the nearest residential receptors. This should be undertaken in line with the Institute of Lighting Engineers Guidance on intrusive lighting.

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 the Professional Guidance on Planning and Noise (ProPG), British Standard BS8233: Sound insulation and

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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.

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.

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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 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.

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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.
13.