STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Sammons Architectural
10 Cawdry Buildings
Fountain Street
Leek
Staffordshire Moorlands
ST13 6JP

Mr Filcher
C/o Agent

Application no: SMD/2020/0266

Determined on: 27/11/2020

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:
Land off Winterfield Lane, Hulme, Staffordshire, ST3 5BG,shown edged red on the LOCATION PLAN no. 2018-2384-09

Description of Development:
Erection of 4 detached dwellings with provision of parking and turning areas and alteration and improvement to the existing access
(Outline Application with access details included - all other matters reserved)

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. This outline permission shall relate only to the site shown edged red on the LOCATION PLAN numbered 2018-2384-09 that was submitted with the application.

Reason: For the avoidance of doubt

2. Before any of the development permitted and described above commences, plans and particulars relating to the scale and appearance of the buildings to be erected; the layout of the buildings, routes and open spaces to be provided; accessibility within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of circulation routes, parking and turning; and the landscaping treatment to be carried out on the land to include surfacing, boundary treatment, planting, hedge treatment and garden arrangements - shall be first submitted, as a formal application, to the Local Planning Authority for their written approval (hereinafter called "the reserved matters"), before the expiration of 3 years from the date of this permission.

Reason: Only an outline permission has been granted and it is necessary to make a further submission of full reserved matters details to ensure a satisfactory standard of development. The time limit condition is imposed in order to comply with the requirements of Sections 91, 92, 93 and 56 of the Town and Country Planning Act 1990.

3. 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, whichever is the later

Reason: The time limit condition is imposed in order to comply with the requirements of Sections 91, 92, 93 and 56 of the Town and Country Planning Act 1990.

4. The development shall only be carried out in accordance with those details of the SITE LAYOUT PLAN numbered 2018-2384-08 'A' that relate to the construction and improvement of the access with the highway; plans or details submitted and approved to comply with the conditions of this permission; and those "reserved matters" particulars and details that are approved by the local planning authority after they have been submitted to comply with condition 2 of this permission.

Reason: To ensure a satisfactory standard of development.

5. Prior to the submission of "reserved matters" particulars and details, the site shall be subjected to a noise assessment survey and assessment relevant to the potential impacts from existing and predicted neighbouring land uses on the adjacent land to the south. The report shall be submitted for approval to accompany the "reserved matters" application. The findings of that report shall, where necessary make recommendations that shall inform and be incorporated into the design of the houses, boundary treatment, and landscaping to mitigate any impact. The development shall thereafter be carried out in accordance with and incorporating any approved mitigation measure.

Reason:- To protect the amenities of occupiers of nearby properties from excessive noise.

6. Before the development commences approved access arrangements and improvements shall be suplemented with the further submission of details relating to the:

i) installation of surface water drainage;
ii) construction of the bellmouth access; and
iii) use of surfacing materials

to the local planning authority as part of the "reserved matters" application, and approved by the local planning authority. The development shall thereafter be carried out in accordance with those approved details.

Reason: In the interests of highway safety and to ensure satisfactory appearance of the site.

7. Prior to the submission of "reserved matters" particulars and details, further bat presence/absence surveys of the two trees on the western boundary shall be undertaken and accompany any full or reserved matters applications. The findings and recommendations of such a report shall inform and be incorporated into the design of the dwellings.

Reason: To protect and enhance habitats for protected species.

8. An Ecological Design Strategy (EDS) shall be submitted with the "reserved matters" application. The EDS shall address the recommended avoidance, mitigation, compensation, and enhancements for biodiversity features at the site and shall include the following:

a) Detailed design and method statement to secure breeding sites for birds and roosting sites for bats within new buildings.

b) Retention of features on site that may have biodiversity value to key protected species or species of conservation concern where possible - for example features that may benefit amphibians.

c) A landscaping scheme to demonstrate the mitigation for lost poor semi improved grassland and that benefits invertebrate pollinators, bats and breeding birds should be provided. Nectar and berry rich native shrubs providing a variety of habitats for invertebrates should be selected that will benefit foraging birds and bats. Species should be selected that provide structural diversity for wildlife. This may include appropriate climbing species such as cotoneaster, ivy, climbing roses and honeysuckles to create green walls that will further enhance the site and gardens for wildlife.

d) Suitable walls that permit movement of hedgehogs

e) Features shown on appropriate scale drawings and plans.

f) Timetable for implementation showing how works are aligned with other phases of the development.

g) Persons responsible for implementing works.

h) Details of aftercare and long-term maintenance.

i) Monitoring and remedial measures

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To protect and enhance habitats for protected species.

9. As the first act of development, before any construction work commences all of the buildings that are marked for demolition on the SITE LAYOUT PLAN numbered 2018-2384-08 'A', shall all be demolished and removed from site. That demolition and then the subsequent construttion shall only be carried out in accordance with a Construction Environmental Management Plan (CEMP) to cover site clearance, demolition and construction mitigations identified in survey reports relevant to the protection method statements covering bird, bat, mammal and amphibians. The CEMP shall be first submitted to and approved in writing by the local planning authority.

Reason: To restore and protect the openness of the Green Belt and to protect the habitats of protected species.

10. The development permitted and described above shall not commence or be carried out until the developer has submitted to the local planning authority, and they have confirmed in writing that they are satisfied with, documentation which demonstrates that the relevant landowner has granted consent and agreed to the neccessary demolition, access and visibility improvements being carried out using land that was not, on the date of the application, within the applicant's ownership.

Reason: The development site submitted with the application included land that is not within the applicant's ownership. This land is necessary to make essential access improvements.

11. The development permitted and described above shall not commence or be carried out until the developer has submitted to the local planning authority, and they have confirmed in writing that they are satisfied with, documentation that confirms that: Natural England have granted licences relevant to works affecting Great Crested Newts and Badgers, permitting works to be undertaken legally; or that such licenses are not required or necessary.

Reason: Certain works affecting protected species is an offence and must be carried out with a license.

12. No 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 agreed 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.

i. If the site risk assessment (i) indicates that potential risks exist, development shall not commence, 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.

ii. The agreed remediation strategy (ii) shall be adhered to throughout the development.

iii. 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.

iv. If, during the course of development, any contamination is found which 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.

No soil shall 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 should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should 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 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.

13. The development hereby permitted shall not be brought into use and no dwelling shall be occupied until the bellmouth access has been constructed and the drive rear of the public

highway has been provided and surfaced in a bound material for a minimum distance of 20m back from the carriageway edge in accordance with details to be first submitted and approved to comply with condition 6 above; parking and turning areas have been provided in accordance with any site layout that is approved as part of the "reserved matters application"; and, the visibility splays of 2.4m x 215m to the north and 2.4m x 45m to the south, shown on plan ref. no 2018-2384-08A have been provided. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level and all hardsurfaces, parking and turning areas, and driveways shall thereafter be retained and maintained in accordance with all approved details, unobstructed and available for the movement or parking of vehicles.

Reason: To comply with SMDC Local Plan policy DC1 and T1; to comply with the NPPF paragraph 108; in the interests of highway safety.

Informative

The proposed development is judged to be acceptable in principle and meets the tests of sustainability in planning, it is considered that the approved access arrangements and improvements would be achievable and suitable for this form of development. The applicant was invited to withdraw details of layout from their application and proposal at this stage, to allow further discussion and consideration in relation to that matter, with a view to achieving the best possible scheme. The applicant was agreeable and duly obliged, confirming that details of layout were withdrawn from this application. Such amendment and revision is advocated within the National Planning Policy Framework at paragraph 38.

IMPORTANT INFORMATION: The proposed site access works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council 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 road.adoptions@staffordshire.gov.uk. The applicant is advised to begin this process well in advance of any works taking place to meet any potential timescales
https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx
Condition regarding construction of the bellmouth can be discharged only by evidence of completion of a Highway Works Agreement.

X

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council

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

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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

10. 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.

11. 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.