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Application no: SMD/2021/0469

Determined on: 10/09/2021

**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 East Of Sandfields Kingsley Road Cellarhead Staffordshire

Description of Development:

Resubmission of the previously refused application SMD/2021/0133 for the construction of 3No, two storey, detached houses in place of the 2No dormer bungalows previously approved under SMD/2019/0452

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 approved shall be carried out in accordance with the details as submitted in the application form and submitted specifications and as shown in drawings:

- 21 615 06-A Location Plan
- 21 615 05-B street view
- 21 615 04-B proposed site
- 21 615 02-A proposed floor plans

21 615 01-A proposed elevations

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

3. Prior to the commencement of development an Air quality assessment shall be carried out for the proposed development and a scheme for protecting the future residential occupiers of the building[s] from the effects of nitrogen dioxide/airborne particulate matter (PM10 and PM2.5) arising from road traffic shall be submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed prior to the occupation of the building hereby approved, and thereafter maintained for the lifetime of the development.

Reason: In order to safeguard the amenities of the occupiers of the proposed dwellings in respect of atmospheric pollution

4. 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.

5. The development, including any demolition hereby permitted shall not take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method statement shall 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;

IV. During construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary;

V. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;

VI. 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.

Once approved, all relevant activities on the site shall 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 during the development.

6. In the event that contamination, including coal deposits, is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. If after consultation with the Local Planning Authority the contamination is considered to pose a possible risk, to human health, buildings and other property and the natural and historical environment (receptors), development shall not continue further until a site investigation and risk assessment has been completed in accordance with a scheme to be agreed in writing by the Local Planning Authority. If the contamination investigation and risk assessment indicates that potential risks exists to 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 the receptors has been submitted to and approved in writing by the Local Planning Authority. The approved remediation scheme shall be complete prior to the first occupation of 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.

7. The external facing materials shall be as shown in drawing 21 615 01-A hereby approved including using Wienerberger 'Trentino' brick for the walls and Staffordshire blue tiles for the roofs and there shall be no variation without the prior consent in writing of the Local Planning Authority.

Reason: To ensure that the works are in keeping with adjacent development.

8. The development shall be implemented in accordance with the levels details as submitted in drawing 21 615 05-B and 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 appropriate relationship to the site and adjoining land.

9. The existing established native species hedgerow along the south westerly edge of the site shall be protected from any risk of damage as a result of site work during the development and shall be retained for the life of the development.

Reason: In the interests of the appearance of the completed development in the landscape.

10. Within 12 months of the substantial completion and/or first occupancy whichever is the earlier of the last of the three dwellings to be developed the site landscaping and boundary treatments shall have been completed as shown on drawing 21 615 04-A and shall be retained for the life of the development and there shall be no variation unless otherwise agreed in writing by the Local Planning Authority. Any plants which die or are lost in the first five years following the completion of the planting shall be replaced with plants of the form and size as originally planted. The planting shall thereafter be allowed to grow and be maintained for the lifetime of the development.

Reason: In the interests of the appearance of the completed development in the landscape.

11. The development hereby permitted shall not be brought into use until
- full details of the proposed vehicle access crossing, including dimensions, have been submitted to and approved in writing by, the Local Planning Authority. The access crossing shall thereafter be completed in accordance with the approved details and prior to the first use of development.
 - the visibility splay of 2.4mx105m to the east and 2.4mx67m to the west indicatively shown on plan 21/615/04-A 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.

Reason: To comply with NPPF Paragraph 108; to comply with SMDC Local Plan Policy DC1; in the interests of highway safety; to provide and maintain visibility.

12. No works to construct the access shall be commenced until details of the following highway works have been submitted to and approved in writing by the Local Planning Authority - relocation of the existing streetlight away from the proposed access point; 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 Local Plan Policy DC1; in the interests of highway safety; to safeguard highway features.

13. 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: - replacement, relocation, raising and/or reconfiguration of the Advance Direction Sign currently in the visibility splay to the west of the access on replacement posts; - treatment of widened footway in areas where footway is shown as being widened to accommodate the visibility splays; 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 Local Plan Policy DC1; in the interests of highway safety; to safeguard highway features; to provide and maintain visibility.

14. The hedge on the frontage of the overall site shall be maintained in line with the rear of the footway such that it does not grow over the footway.

Reason: To comply with NPPF Paragraph 108; to comply with SMDC Local Plan Policy DC1; in the interests of highway safety.

15. The development 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 Local Plan Policy DC1; in the interests of highway safety; to comply with SMDC Local Plan policy T1 and T2; to improve conditions for pedestrians.

16. The dwellings shall each be provided with electric vehicle charging points prior to their first occupation.

Reason: in the interests of sustainable development

17. 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 Classes A; B; C; D; E; F and G and/or Part 2 Classes A; B and C, 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: To enable the Local Planning Authority to control the development and so safeguard the character and visual amenities of the area and the Green Belt.

Informatives

1. Coal Mining Low Risk Development Area - Standing Advice: The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this shall be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority.

2. Highways Authority informatives:

i) The dropped crossing to the site shall be constructed in accordance with drawings to be submitted and SCC requirements. Please note that prior to the access being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Please complete and send to the address indicated on the application form which is Staffordshire County Council at Network Management Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH or email to: nmu@staffordshire.gov.uk) <http://www.staffordshire.gov.uk/transport/staffshighways/licences/>

ii) The condition requiring alterations to the Advance Direction Sign and widened footway shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order 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 (nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

<https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx>

iii) The lighting column in the access will need to be relocated by SCC PFI contractor Eon. It

may be that adjacent columns will also need to be relocated to provide adequate street lighting coverage. This will be at the developers expense and extent of works shall be established at an early stage. Works must be carried out by SCC PFI contractor Eon. Please contact lightingforstaffordshire@eonenergy.com

3. You are reminded of your responsibilities under the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 in respect of any protected species that may inhabit the site including birds and potentially badgers. All wild birds including their nests and eggs are protected by law. It is an offence, with certain exceptions, to kill, injure or take wild birds or to take, damage, or destroy their nests or take or destroy their eggs. Site clearance, building alterations and/or demolition cannot therefore take place where there are birds nesting. Typically this will be in the period mid February to mid August. As this development involves vegetation clearance and/or demolition and/or other activities which would be damaging to any nesting birds present the work shall avoid the bird nesting season so far as possible. If such work is to take place in the nesting season an ecologist experienced in bird nesting habits shall first be engaged to advise on and ensure that the intended work can legally take place. Badgers are not considered currently to inhabit the development site hereby approved but are likely to use the land for foraging and commuting and you are reminded that notwithstanding this consent any work which disturbs badgers whilst occupying a sett is illegal without a licence. Natural England's published guidance is that digging with wheeled vehicles within 20m of a sett may require a licence; 30m in the case of tracked vehicles.

4. A public footpath right of way passes through the site and this must not be obstructed at any time during the development and must remain available for public use on foot at all times on either its current route or on any legally authorised diversion route both during development and on completion. A diversion will be necessary to allow the works to proceed and application shall be made to Staffordshire Moorlands District Council. Shall temporary closure or diversion be necessary to allow the works to proceed then application shall be made to the Staffordshire County Council Public Rights of Way officer. Contact: Rights of Way, Staffordshire County Council, 2 Staffordshire Place, Tipping Street, Stafford ST16 2DH. Email: rightsofway@staffordshire.gov.uk
Tel: (01785) 277244 or 277247.

5. Environmental Health: 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 shall 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 shall pay due regard to the Professional Guidance on Planning and Noise (ProPG), British Standard BS8233: Sound insulation and 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

- Any approved foul drainage system shall meet the British Standard 6297:2007+A1:2008: Code of practice for the design and installation of drainage fields for use in wastewater treatment <http://www.bsigroup.com>
- 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)
- Contamination risk assessments shall be carried out in accordance with UK policy the Land contamination risk management framework (LCRM), published by the Environment Agency <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>
- Submission of reports shall 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 shall 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 an "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 there shall 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. 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.

5. This decision has been made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 38 of the NPPF the Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area. The application has been determined in accordance with Policies: SS1; SS2; SS8; SS10; SD1; SD3, SD4; H1; DC1; DC3; C1; C3, NE1, NE2 and T1 of the Local Plan and with the NPPF.

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

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 shall 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 shall 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 shall 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 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.