STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Brain Reed
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The Springs Cliffash Lane
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Mr Ward
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Application no: SMD/2020/0563

Determined on: 03/12/2021

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 South Of Turners Pasture Cheadle Staffordshire

Description of Development:
Construction of 6 No. detached single storey 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 provided in exact accordance with the following amended approved plans:

Location Plan
Amended Site Plan: TP/20/1 Revision C dated 11.3.21
TP/20/4
TP/20/5
TP/20/8

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

3. Before construction of any part of the development above the Damp Proof Course level, details of all finishing, roofing, fenestration, hard-surfacing and rainwater goods materials in terms of type, texture and colour shall be submitted to and approved in writing by the local planning authority and the approved materials shall be used in the construction of the development.
Reason:-
In the interests of the character and appearance of the area.

4. The development hereby approved shall not commence until drainage plans for the application site including disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in exact accordance with the approved details before the development is first brought into use.
Reason:-
To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

5. Within two months of the commencement of the approved development, full details of soft landscape and planting proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:
- Means of enclosure
Soft landscape details shall include:
- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
- Implementation timetables
Reason:-
To ensure the appropriate landscape design and in the interests of the visual and residential amenities of the area.

6. The landscaping scheme required in Condition 5 shall include all native hedges shown on the site plan hereby approved.
Reason:-
To ensure the appropriate landscape design and in the interests of the visual and residential amenities of the area.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
Reason:-
To ensure the appropriate landscape design and in the interests of the visual and residential amenities of the area.

8. 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 additional windows or any other openings shall be installed in any part of the development, without prior written consent from the Local Planning Authority.
Reason:-
To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and the visual amenities in the area.

9. 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 or E or Part 2 Class(es) A, B or C 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 to protect the residential amenities of neighbouring residents.

10. Before the commencement of development, details of a sustainable surface water drainage scheme, including volume calculations, SuDS features depths/ sections, plus provision of water butts and permeable surfaces shall be submitted to and approved in writing by the Local Planning Authority and the drainage scheme shall be provided before the development is first brought into use.
Reason:-
In the interests of protecting the ecological value of the area and achieving a Net Biodiversity Gain.

11. Before the commencement of development, specific details of the landscaping and habitat creation to the south of the site within the area edged blue in the Location Plan, in line with the New Habitat Map (November 2021) by Elite Ecology, shall be submitted to and approved in writing by the Local Planning Authority and the approved habitat creation area shall be provided before the development is first brought into use.
Reason:-
In the interests of protecting the ecological value of the area and achieving a Net Biodiversity

Gain.

12. Before the development is first brought into use, a 20-year Habitat Management and Monitoring Plan for the habitat creation area shall be submitted to and approved in writing by the Local Planning Authority and the area shall thereafter be maintained in accordance with the approved plan.
Reason:-
In the interests of protecting the ecological value of the area.

13. The first action on commencement of development, prior to any further action (including any demolition, site clearance, site stripping, site establishment or formation/improvement of temporary/permanent access) shall be the erection of temporary tree protection barriers and advisory notices for the protection of the existing trees to be retained, in accordance with guidance in British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations, and as set out in the Elite Ecology BS5837:2012 Tree Survey and Arboricultural Impact Assessment report dated October 2020 and submitted in support of the application hereby approved, and these shall be retained in position for the duration of the period that development takes place, unless otherwise agreed in writing by the Local Planning Authority. 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 unless otherwise agreed in writing by the Local Planning Authority.
Reason:-
In the interests or protecting trees and hedges shown for retention on the site plan in the interests of the appearance of the area.

14. The development hereby permitted shall not be brought into use until the access and parking areas have been provided in accordance with the approved plans TP/20/1 C. The parking areas shall thereafter be retained unobstructed as parking areas for the life of the development.
Reason:-
In the interests of highway safety.

15. The development hereby permitted shall not be brought into use until the access drives rear of the proposed public highway have been surfaced in a bound and porous material for a minimum distance of 5m back from the site boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The surfacing shall therafter be maintained in accordance with the approved details and retained for the life of the development.
Reason:-
In the interests of highway safety.

16. The development hereby permitted shall not be brought into use until the access to the site and the accesses to the individual dwellings have been completed.

Reason:-
In the interests of highway safety.

17. No wall, hedge, fence or any vegetation shall be placed on any plot frontage within 2m of the edge of carriageway that exceeds a maximum height of 600 mm above the adjacent carriageway level.
Reason:-
In the interests of highway safety.

18. No mud or other debris or deleterious material shall be deposited on the highway. Any such material that is deposited on the highway shall be immediately removed using mechanical means.
Reason:-
In the interests of highway safety.

19. The ground areas for garden areas for Plots 5 and 6, to the south of the dwellings shown on the site plan, shall not be raised above the existing ground level. Within 1 month of commencement of development details of existing and proposed ground levels and finished floor levels across the whole site shall be submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with the approved details
Reason:-
To ensure that there are no detrimental impacts to flood storage or flood flow routes in this area.

20. No phase of the development hereby permitted shall take place until a Demolition and Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-
I. the hours of work, which shall not exceed the following: 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;
II. the arrangements for prior notification to the occupiers of potentially affected properties;
III. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
IV. a scheme to minimise dust emissions arising from 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. The approved dust suppression measures shall be maintained in a fully functional condition for the duration of the construction phase;
V. a scheme for recycling/disposal of waste resulting from the construction works;
VI. the parking of vehicles of site operatives and visitors;
VII. the loading and unloading of plant and materials;
VIII. the storage of plant and materials used in constructing the development;
IX. the erection and maintenance of security hoarding

X. details of measures to protect the public footpaths and amenity of users of the pubic footpaths crossing the site during the construction works;

XI. 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,

XII. Wheel wash facilities

XIII. temporary surface water control to avoid water pollution

XIV. temporary protective fencing to the brook to avoid impacts to otter and water vole and other recommendations during the construction phase within the Elite Ecology PEA Report (April 2021).

All works shall be carried out in accordance with the approved Plan.
Reason:-
To protect the amenities of the area, highway safety and the ecological value of the area..

20. i. 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 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, 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 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. 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.

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.

22. No soil 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 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.

23. The artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance at the adjoining light sensitive locations when the light (s) is (are) in operation. Details of all external artificial lighting to be installed under this permission shall be submitted to and approved in writing by the Local Planning Authority prior to installation
Reason:-
To protect the local amenities of the local residents by reason of excess of illuminance

24. No development shall commence until;
a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.
The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.
Reason:-
In order to ensure no disturbance to land stability from the development.

25. Prior to the occupation of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority and approved in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
Reason:-
In order to ensure no disturbance to land stability from the development.

26. The measures outlined in Section 3 of the ""Energytest"" Energy Statement dated 18.11.20 shall be applied to the development, including the installation of solar panels on the south-facing roof-slopes of Plots 1, 5 and 6 before the development is first brought into use.
Reason:-
In the interests of renewable energy generation and the wider environment.

Informatives

1. The Council has sought (negotiated) a sustainable form of development which complies with the provisions of paragraphs 186-187 of the NPPF.

2. 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 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 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 should 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)

"" 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. 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

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

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.

1.