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The Dormers Willfield Lane
Brown Edge
Staffordshire
ST6 8SN

Application no: SMD/2022/0058

Determined on: 01/04/2022

**Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015**

GRANT OF OUTLINE PLANNING PERMISSION

This permission does not carry any approval or consent which may be required under any enactment, bylaw, order or regulation (e.g. in relation to Building Regulations or the Diversion of Footpaths etc) other than Section 57 of the Town and Country Planning Act, 1990.

Location of Development:

The Dormers Willfield Lane Brown Edge Staffordshire ST6 8SN

Description of Development:

Outline application for Demolition of existing garage and erection of detached dwelling - all 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. 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.

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

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason:- To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

3. Approval of the siting, design and external appearance of the building, the means of access thereto and the landscaping of the site (hereinafter called 'The Reserved Matters') shall be obtained from

the Local Planning Authority, before any development is commenced.

Reason:- The application is in outline only and not accompanied by detailed plans.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:
- MB-001 Location Plan

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

5. Notwithstanding the detail as shown of the submitted Site Plan (numbered MB-002) no consent is approved or conveyed in respect of the 'Indicative Position of New Residential Plot (new dwelling to be positioned within the existing build line)' as shown dashed red.

Reason: For the avoidance of doubt and because a dwellinghouse of a footprint as shown on the Site Plan would be contrary to policies SS10 and H1 of the Local Plan (2020) and chapter 13 of the NPPF (2021).

6. The plans and particulars of the Reserved Matters application shall show a dwellinghouse and associated development that:

- Is solely confined to the footprint of the existing detached garage and the associated areas of hardstanding used for the parking and turning of vehicles within the site edged red (i.e. the brownfield parts of the site).

- Complies with paragraph 149 of the NPPF (2021) in respect of:

- (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces; or

- (g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would not have a greater impact on the openness of the Green Belt than the existing development.

Reason:- The development is only acceptable in principle in respect policies SS10 and H1 of the Local Plan (2020) and chapter 13 of the NPPF (2021) if it complies with one of the above listed criteria.

7. The Reserved Matter(s) application shall include full details of the following:
- Access point;
 - Provision of parking, turning, and servicing within the curtilage of the site and for the existing property (The Dormers).
 - Means of surface water drainage;
 - Surfacing materials;
 - A visibility splay plan taken from the centre of the proposed access showing the maximum achievable splays within highway limits taken from 2.0 metres rear of the carriageway edge.
 - Off-highway parking spaces in-line with Staffordshire Moorlands District Council's

Parking Standards contained within Appendix 2 of the Local Plan (2020). All parking spaces shall be a minimum width of 2.4m and a minimum length of 4.8m per car and garages shall have minimum internal spaces of 6m x 3m for single or 6m x 6m for double garages.

Reason:- To comply with NPPF; to comply with SMDC Local Plan Policy DC1 and T1 and Appendix 2; in the interests of highway safety.

8. The Reserved Matter(s) application shall be accompanied by an Arboricultural Impact Assessment that complies with BS5837: Trees in Relation to Design, Demolition and Construction – Recommendations.

Reason:- The application site contains TPO protected trees and TPO protected trees are also located on the opposite side of the road and within the plot of the adjacent neighbouring property. The Reserved Matters application has to be assessed against its impact on existing trees.

9. Unless prior permission has been obtained in writing from the Local Planning Authority, all construction and delivery times 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.

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

10. The development, including 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 should 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. The responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
 - V. 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 should be carried out in accordance with Construction and Environmental Method Statement throughout the course of the development. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.

Reason:- *To protect the amenities of the area during construction*

11. In the event that contamination including surface coal measures 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 should not commence further until a site investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority. If the contamination investigation and risk assessment indicates that potential risks exist to receptors, development shall cease 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 prepared, and is subject to the approval in writing of 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.

12. Prior to bringing the development into first use, all soils that are intended to be used for the proposed garden/ soft landscaping areas should be tested for contamination and assessed for their suitability for the proposed use. Prior to sampling, a suitable methodology for testing the soil should be submitted to and agreed by the Local Planning Authority and should include the sampling frequency, testing schedules, and criteria against which the analytical results will be assessed.

The results of the soil tests should be submitted and approved in writing by the Local Planning Authority. If soil results indicate that a potential risk exists, development shall not commence until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been prepared and subject to the approval in writing 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 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 artificial lighting to be installed under this permission should be submitted to and approved by the Local Planning Authority prior to development commencing. Thereafter the only the approved lighting shall be installed.

Reason:- To protect the local amenities of the local residents by reason of excess of illuminance.

14. The reserved matters application(s) shall be based on the Nationally Described Space Standards.

Reason: To ensure the dwelling is of adequate size to comply with Local and National Policy.

Informatives

1. This is considered to be a sustainable form of development and so complies with the provisions of the NPPF.

2. The access crossing to the site from the highway shall be constructed in accordance with drawing and Staffordshire County Council 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 further 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, Tipping Street, STAFFORD, Staffordshire, ST16 2DH. (or email to nmu@staffordshire.gov.uk)
<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>
3. 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 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 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 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 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 Health Department and agreed in principle prior to site investigation works being undertaken. The Environmental Health 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 *J. Colley*

Signed by: Jane Colley Signature

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 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.