STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Gez Willard
WW Planning
Paradise Farm Main Road
ST10 4HX

Mr Evans

Application no: SMD/2018/0400

Determined on: 27th January 2025

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 Sytch Road Brown Edge Staffordshire

Description of Development:
Outline planning application for residential development and wildlife pond and habitat on land off Sytch Road, Brown Edge

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.**
   Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

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 and thereafter the development shall only be carried out in accordance with the details as approved.**
   Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

3. **Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local**

Planning Authority before any development is commenced and thereafter the development shall only be carried out in accordance with the details as approved.
Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and Articles 4 and 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

4. **The development hereby approved shall be carried out in accordance with the following submitted plan:- Drawing 5647:001 Location Plan**
Reason:- To define the permission and in the interests of proper planning.

5. **The reserved matters application (s) shall be broadly based on the Indicative layout shown on Preliminary Site Allocation drawing 5647-002E received by e-mail dated 20th May 2019 albeit that the road and turning head should avoid extending into the far north west corner of the site and be less engineered and informed by a detailed level assessment as per Condition 20.**
Reason:- In the interests of the character and appearance of the area and achieving good quality design

Mix and size

6. **The reserved matters application(s) shall be based on the Nationally Described Space Standards**
Reason: - To ensure dwellings of adequate size in line with national policy

7. **The mix of units at reserved matters shall reflect the Council's Strategic Housing Market Assessment**
Reason: - To ensure an appropriate mix of units

Noise

8. **All construction works and deliveries 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.

9. **Development shall not commence until a site specific scheme (the 'Scheme') for protecting the proposed residential units from noise, has been submitted to, and approved in writing by the Local Planning Authority.**

The submitted scheme shall have due regard for the British Standard BS8233:2014 Guidance on Sound Insulation for Buildings and be designed to achieve noise levels of less than 30 dB LAeq in bedrooms, less than 40 dBLAeq in living areas and 50dB LAeq in outside living areas. The approved Scheme shall be implemented in full before any of the dwellings hereby approved are first brought into use.

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

Amenity

10. No development hereby approved, including site clearance shall take place until a Construction and Environmental Method Statement (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP 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 arrangements for prior notification to the occupiers of potentially affected properties;

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

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 including decorative displays and facilities for public viewing, where appropriate;

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

Once approved, the development shall proceed strictly in accordance with the approved Construction and Environmental Method Statement

Reason: To safeguard the amenities of the area including residential amenity

Contamination

11.

i) No development including site clearance 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 shall be submitted and approved in writing by the Local

Planning Authority before development commences

iii) The agreed remediation strategy (ii) shall subsequently 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.

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. 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. Development should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site risk assessment indicates that potential risks exists to any identified 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 human health, buildings and other property, and the natural and historical environment has been prepared, submitted and approved in writing of the LPA. The approved remediation strategy shall be adhered to throughout the development. Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, submitted and approved 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.

13. No top 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 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.

Waste Management

14. Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment.
Reason: To protect the amenities of the area.

Flood risk/Drainage

15. The development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason:- This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues, to minimise the risk of pollution and in the interests of highway safety

16.The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA)/Drainage Strategy and the following mitigation measures detailed within the FRA and email of the 3/8/18 from Keytech Development Design Ltd.
Limiting the surface water run-off generated by the site to 5l/s so that it will not exceed the run-off from the undeveloped site and will not increase the risk of flooding off-site.
Provision of an appropriate calculated volume of attenuation flood storage on the site to a 100 year + 30% standard.
Demonstration that the improvement/redefining and adequate maintenance of the existing ditch course along the southern boundary will be provided.
Confirmation that the developer will investigate the culverting of the southern watercourse and adoption by Severn Trent, as an alternative to the above.
Finished floor levels are set no lower than 150 mm above local ground level.
Confirm which responsible body will maintain the surface water system and watercourse over the lifetime of the development according to an acceptable maintenance schedule and that is achievable.

Reason:- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure adequate capacity is available in the southern watercourse thereby reducing the risk of flooding and to reduce the impact of flooding on the proposed development and future occupants.

Ecology/Biodiversity

17. The first reserved matters application shall be accompanied by a Construction and Environment Management Plan (CEMP) for the written approval of the Local Planning Authority. It shall include and be informed by the recommendations set out in Section

5 and 6 of the preliminary Ecological Appraisal prepared by Ascerta dated September 2023 ref: P.1861.23. It shall amongst other matters cover updated surveys; protection of species and habitats during construction; details for the retention, protection and enhancement of the fen vegetation/ wet, marshy grassland habitat; ecological supervision and an invasive species method statement. The development shall be carried out strictly in accordance with the approved CEMP

Reason:- In the interests of the protection and enhancement of biodiversity interests

18. The first reserved matters application shall be accompanied by a Landscape and Ecological Management Plan (LEMP) for the written approval of the Local Planning Authority. It shall include a BNG calculation using the prevailing Statutory Biodiversity Metric and a long-term Management Plan. Planting should include amongst other matters native, species rich hedgerows, trees and areas of wildflowers plus the provision of integrated bird and bat features. The development shall be carried out strictly in accordance with the approved LEMP

Reason:- To minimise the impacts on biodiversity and provide net gains in biodiversity and to ensure the long term commitment to manage the planting and protect and enhance biodiversity

19. There shall be no removal of trees, hedgerows or other vegetation during the breeding birds' season i.e. timing vegetation clearance outside the bird breeding season 1st March to 31st August.
Reason:- In the interests of protected species.

<u>Levels</u>
20. The first reserved matters application shall be accompanied by full level information for the written approval of the Local Planning Authority including:-
a) existing and proposed levels across the site and relative to adjoining land,
b) finished floor levels of the proposed roads, buildings and open spaces
c) long and cross sections through the site
Development shall thereafter be undertaken in accordance with the approved details.
Reason:- In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties and achieve good quality design

<u>Informative</u>

1. **A sustainable development has been negotiated with the application which meets the provisions of the National Planning Policy Framework.**

2. **This permission should be read in conjunction with the Section 106 agreement dated 10th January 2025**

3. **The applicant is advised that Approval of Landscaping should be supported by a statement to demonstrate how the scheme has been informed by the Ecological Protection and Enhancement Overview Report dated June 2018 to provide biodiversity enhancement at the site. The area of frontage hedgerow likely to be lost by the access road on the indicative plan can be compensated for by the**

creation of species rich hedgerow along the new visibility splay and 2-3m wide species rich grassland buffer strips around other site boundaries. This should be included in the landscaping proposals for the site.

4. **The applicants attention is drawn to the letter from Staffordshire CC Highways dated 30th July 2018 setting out matters which should be included within the detailed layout for the site.**

5. **The access, pedestrian and vehicular connections may require a Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The link below provides a link to a Works Information Pack and an application form for the Works Agreement. Please complete and send to the address indicated on the application fom 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)**
ttp://www.staffordshire.gov.uk/transport/staffshighways/licences/
This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 (for adoption) or section 219 exemption (to remain private) of the Highways Act 1980. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works.

X

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 DBCP Limited, Web: dbcp.co.uk; Email: info@dbcp.co.uk ; Tel:0333 880 2000.

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.

12. Domestic sprinklers
    Fire sprinklers operate automatically even if you are not at home releasing water directly over the source of the fire and sounding the alarm, they are unobtrusive and easy to install. Sprinklers are NOT expensive; normally costing around 1-2% of the cost of construction of a new building. The use of sprinklers will usually allow design freedoms as well, which can reduce construction costs and improve usability and design freedoms of the building.
    The chance of an accidental discharge is 16,000,000:1
    If you would like further advice please contact Staffordshire Fire and Rescue Service (www.staffordshirefire.gov.uk)

13. Working smoke alarms correctly positioned in your home can save your life.
    The Fire Service recommends you have smoke alarms on every floor of your home, including in each bedroom, and make sure you test your smoke alarms at least once a month.
    Although the application of approved guidance and enforcement of regulations will give buildings the legally required baseline of fire protection, the Fire Service's viewpoint is many of these fall short of what we would consider adequate. This is why we campaign for the inclusion of sprinklers.

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