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Application no: SMD/2014/0143

Determined on: 10/06/2014

**Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2010**

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:

HOME FARM MOSS FEEDS LTD HIGH STREET DILHORNE
STAFFORDSHIRE ST10 2PE

Description of Development:

The demolition and clearance of all existing industrial buildings, structures, open storage, remediation of the site and erection of 10 no. dwellings with garaging and/or parking, served by a new access and shared surface, with associated accommodation work.

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 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 by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2.The approval of the Local Planning Authority shall be obtained in writing with respect to the plans and particulars of the following reserved matters (hereinafter called "the reserved matters") before any development is commenced.

1)- Appearance

2)- Landscaping

Reason:- The application is an outline application under the provisions of Article 1(2) of the Town and Country Planning (General Development Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

3. 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 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

4. The development hereby approved shall be carried out in accordance with the following drawings and documents unless otherwise agreed in writing by the Local Planning Authority: Drawing no. A514-03A; A514-18C; A514-19; S514-01.

Reason:- To ensure that the development is carried out in accordance with the approved plans.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Class(es) A, B and C 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.

6. Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy construction activities shall be restricted to the following times of operations: 08:00 - 18:00 hours (Monday to Friday); 08:00 - 13:00 hours (Saturday) and no working is permitted on Sundays or Bank Holidays. In this instance a noisy construction 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.

7. Development should not commence until a further 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. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development. The report of the findings shall include;

- a. A further survey of the extent, scale and nature of any potential contamination;
- b. A detailed risk assessment of all known site contaminants based on the potential risks to:
 - i. Human health;
 - ii. Property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes;
 - iii. Adjoining land;
 - iv. Ground and surface waters;

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11.

Reason:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

8. If the risk assessment indicates that remediation is required, no development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, property (existing or proposed including buildings, crops, livestock, pets, woodland, service lines and pipes; buildings), adjoining land and ground and surface waters has been submitted to and approved in writing by the Local Planning Authority. The scheme must include:

- a. A remediation strategy giving full details of remediation objectives and remediation criteria
- b. A validation plan providing details of the data that will be collected in order to demonstrate that the all works set out in (a) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

9. Prior to bringing the development into first use, a validation report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved validation plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the validation plan, and for the reporting of this to the local planning authority.

Reason:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 7, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirement of condition 8 which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 9.

Reason:- To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

11. 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

12. 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.

13. The development hereby permitted shall not be brought into use until the access, parking, servicing and turning areas have been provided in accordance with the approved plans. The parking and turning areas shall thereafter be retained unobstructed for the purposes of parking and turning of private cars for the life of the development.

Reason:- In the interest of highway safety

14. The development hereby permitted shall not be brought into use until the visibility splays shown on plan ref A514 18 C 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:- In the interest of highway safety

15. The development hereby permitted shall not be commenced until details of the following off-site highway works have been submitted to and approved in writing by the Local Planning Authority

- Provision of a 1.8m wide footway on the frontage of the development; The off-site highway works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.

Reason:- In the interest of highway safety and to improve facilities and safety for pedestrians

16. The dwellings hereby approved shall not be occupied until the bellmouth access to the site has been completed.

Reason:- In the interest of highway safety

17. The development hereby permitted shall not be commenced until details have been submitted to and approved in writing by the Local Planning Authority indicating all road construction, street lighting, drainage including longitudinal sections and a satisfactory means of draining roads to an acceptable outfall to SUDS principles, which shall thereafter be constructed in accordance with the approved drawings.

Reason:- In the interest of highway safety and to ensure adequate construction detail.

18. The development hereby permitted shall not be brought into use until the existing site access bellmouth and existing dropped crossing outside plot 3, which shall include the access crossing between the site and carriageway edge made redundant as a consequence of the development hereby permitted is permanently closed and the access crossing reinstated as footway with full height kerb.

Reason:- To reduce the proliferation of redundant accesses

19. The development hereby permitted shall not be brought into use until the access drives rear of the proposed public highway have been surfaced and thereafter maintained in a bound and porous material for a minimum distance of 5m back from the plot boundary or bound material with SUDS drainage, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The bound porous surface or SUDS drainage shall thereafter be provided in accordance with the approved plans.

Reason:- In the interest of highway safety

20. The development hereby permitted shall not be brought into use until a surface water drainage interceptor, connected to a surface water outfall, has been provided across each access immediately to the rear of the highway boundary unless otherwise agreed in writing by the Local Planning Authority.

Reason:- In the interest of highway safety

21. The garages indicated on the approved plan shall be retained for the parking of motor vehicles and cycles. They shall at no time be converted to living accommodation without the prior express permission of the Local Planning Authority.

Reason:- In the interest of highway safety

22. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewerage 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:- 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.

23. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS3 or any future guidance that replaces it. The scheme shall include: the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 33% of housing units/bed spaces; the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing; the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved); the arrangements to ensure that such provision is affordable for

both first and subsequent occupiers of the affordable housing; and the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason:- To secure the delivery of the affordable housing in accordance with Policy H2 (Affordable and Local Needs Housing) of the adopted Core Strategy

Informative

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

2.Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

*Any approved noise scheme and measurements should pay due regard to British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice) and the Building Regulations 2010 Document E or other appropriate guidance.

*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)

*In accordance the Site Waste Management Plans Regulations 2008 any construction project with an estimated cost greater than £300,000 must, before work begins, prepare a Site Waste Management Plan in accordance with the requirement of these regulations.

*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 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 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.

3. This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require a Section 38 of the Highways Act 1980. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works. It is assumed that the access road terminating in solid transverse lines on drawing A514 18 C will be proposed for adoption as public highway.

4. The conditions requiring off-site highway works will require a Minor Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of discussing requirements and securing the Agreement. The link below provides a further link to a Minor Works Information Pack and an application form for the Minor Works Agreement. 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/staffhighways/licences/>

Signed 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 on 0345 605 3012.
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 should 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. **A fee is payable to us for the discharge of condition. Please refer to our web site : www.staffsmoorlands.gov.uk for details.** 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.
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 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.
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. All other types of development have a 6 month deadline for submission of appeals. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs. The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him 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. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

8. 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.