

# TOWN AND COUNTRY PLANNING ACT 1990

## PERMISSION FOR DEVELOPMENT



**Application number:** 14/00691/FUL

To: Chamberlain Developments (Mr J Powner)  
c/o Mr David Evans - DEP Architects  
Brookwood  
Pipegate  
Nr Market Drayton  
Shropshire  
TF9 4HA

### **Description of development**

Erection of detached cottage

### **Location of development**

Old Works Moss Lane Madeley

The Council of the Borough of Newcastle-under-Lyme in pursuance of powers under the above-mentioned Act hereby **PERMIT** the above development, in accordance with the submitted plans and other documents, subject to compliance with the conditions specified below. Failure to carry out the development in accordance with the permission/consent or to comply with any condition may make the permission/consent invalid and may lead to enforcement or other legal action

**This decision does not convey any approval or consent which may be required under any enactment, by-law, order or regulation other than Section 57 of the Town and Country Planning Act 1990.**

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1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

R1: To comply with the provisions of Section 91 of the Town and Country Planning Act.

2. The development hereby permitted has been determined in consideration of the following approved plans;

- Location and block plan, received 8th September 2014
- Hard and soft landscaping drawing CD/M/COTT/2014/1 Revision a, received 25th September 2014
- Floor plans and section, drawing No. CD/M/DET/2014/1a, received 8th September 2014
- Acoustic fencing details, received 8th September 2014
- Site layout, amended plan, Drawing No CD/M/COTT/2014/4 site revision a, received 25th September 2014
- Proposed elevations, Drawing No. CD/M/DET/2014, 2a, received 9th September 2014

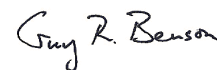
R2. For the avoidance of doubt and in the interests of proper planning.

3. Windows shall be timber with a painted finish, with side opening casement, closing flush with the frames and set back in reveal by not less than 50mm.

R3. To ensure the satisfactory appearance of the development and to conserve the character of the Madeley Conservation Area, in accordance with Policies B9, B10 and B13 of the Newcastle under Lyme Local Plan, CSP1 and CSP 2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026, and the aims and objectives of the National Planning Policy Framework 2012.

4. Notwithstanding the provisions of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, as amended, (or any Order revoking, re-enacting or modifying that Order), no extensions or alterations to the buildings or outbuildings within the curtilage of the building shall be constructed without the prior express written consent of the Local Planning Authority.

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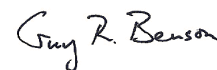
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- R4: To protect the character of the conservation area by requiring consent to be obtained for such permanent development, in accordance with policies B9, B10 and B13 of the Newcastle under Lyme Local Plan 2011, Policy CSP2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 - 2026 and the aims and objectives of the National Planning Policy Framework (2012).
5. Notwithstanding the provisions of Part 2 Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking, re-enacting or modifying that Order) no gates, fences, walls or other means of enclosure shall be erected without the prior express written consent of the Local Planning Authority.
- R5: To protect the character of the conservation area by requiring consent to be obtained for such permanent development, in accordance with policies B9, B10 and B13 of the Newcastle under Lyme Local Plan 2011, Policy CSP2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 - 2026 and the aims and objectives of the National Planning Policy Framework (2012).
6. Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the District Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication. The Scheme shall thereafter be implemented in full in accordance with the approved plans
- R6: In accordance with paragraph 141 of the National Planning Policy Framework 2012.
7. The dwelling hereby permitted shall not be occupied until the visibility splay shown on drawing no. CD/M/COTT/2014/1 rev A has 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.
- R7: In the interests of highway safety and in accordance with Policy CSP1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 - 2026 and with the aims and objectives of the National Planning Policy Framework 2012.

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8. Should the finished surfacing levels fall towards the public highway then before the proposed development is first occupied the access shall be built with a surface water drainage interceptor which shall be sited across the access immediately to the rear of the highway boundary, which shall be connected to a surface water outfall and maintained in full operational order for the life of the development.
- R8: To ensure the provision of a sustainable means of drainage and to prevent water flowing out onto the public highway and in the interests of highway safety.
9. The development hereby permitted shall not be brought into use until the access, parking and turning areas have been provided in accordance with the approved plans which shall thereafter be retained for the life of the development.
- R9: In the interests of highway safety, in accordance with Policy T16 of the Newcastle under Lyme Local Plan and the aims and objectives of the National Planning Policy Framework 2012.
10. Prior to the commencement of the development hereby approved, full and precise details (including samples) of the facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details.
- R10: To ensure the satisfactory appearance of the development and to conserve the character of the Madeley Conservation Area, in accordance with Policies B9, B10 and B13 of the Newcastle under Lyme Local Plan, CSP1 and CSP 2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006-2026, and the aims and objectives of the National Planning Policy Framework 2012.
11. No development including any demolition and works at the site shall commence until a further 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. 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 findings shall include;

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A handwritten signature in black ink that reads 'Guy R. Benson'.

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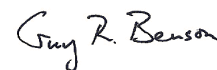
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- (i) A survey of the extent, scale and nature of any contamination;
  - (ii) An assessment of the potential risks to:
    - Human health;
    - Property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes;
    - Adjoining land;
    - Ground and surface waters;
    - Ecological systems; and,
    - Archaeological sites and ancient monuments.
  - (iii) An appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
- R11. 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 in accordance with the aims and objectives of the National Planning Policy Framework (2012).
12. No development including any demolition and works at the site should 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, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. 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.
- R12. 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 in accordance with the aims and objectives of the National Planning Policy Framework (2012).

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13. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

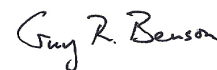
- R13. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the aims and objectives of the National Planning Policy Framework (2012).

14. 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 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, 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.

- R14. 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 in accordance with the aims and objectives of the National Planning Policy Framework (2012).

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- 15. 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 validity evidence submitted to and approved in writing to by the Local Planning Authority.
- R15. 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 in accordance with the aims and objectives of the National Planning Policy Framework (2012).
- 16. In relation to the development hereby permitted, the recommendations outlined in the noise assessment, submitted with 07/01009/OUT, undertaken by Wardell Armstrong, report number NL08793 (J01), dated June 2007 are to be incorporated into the construction of the development to ensure the following noise levels are met.

<p><b>Internal noise levels</b> (to be achieved in all habitable areas attributable to external noise sources. Where windows need to be kept shut, adequate sound attenuated ventilation provision in accordance with the current building regulations must also be demonstrated)</p>	<p>30 dBL<sub>Aeq</sub> between 07:00 and 23:00</p> <p>30 dBL<sub>Aeq</sub> between 23:00 and 07:00</p> <p>45 dB L<sub>AMax</sub> between 23:00 and 07:00</p>
<p><b>External Noise levels</b> (to be achieved in garden areas, balconies, terraces)</p>	<p>50 dBL<sub>Aeq</sub> between 07.00 and 23.00</p>

- R16: To ensure that satisfactory internal and external noise levels are achieved and in the interests of the protection of residential amenity, in accordance with the aims and objectives of the National Planning Policy Framework.

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17. The vehicular access shall remain ungated.

R17: In the interests of Highway Safety.

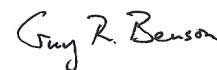
18. Prior to the commencement of the development hereby approved, details of the proposed finished floor levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

R18: To protect residential amenity and to ensure the satisfactory appearance of the development, in accordance with Policy CSP 1 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 - 2026, and the aims and objectives of the National Planning policy Framework 2012.

### **Important Informatives to applicant**

1. You are reminded of the requirement to comply with the conditions attached to the decision notice. A determination period of up to 8 weeks applies to those conditions requiring further approval of submitted details. A fee is payable for conditions applications, please contact the Planning Department for further details if required.
2. You are advised that should any non virgin materials be brought onto site as part of the development e.g. construction and demolition arisings, road planings, recovered aggregates, or, should there be a need to dispose of materials on site for example by burying or burning that an exemption from a requirement to hold an Environmental Permit may be required from the Environment Agency. In certain cases an application for an Environmental Permit may be required.  
Further details can be obtained from the Environment Agency:  
Web: <http://www.environment-agency.gov.uk/>  
Enquiries: 08708 506506
3. The site is known to be/suspected to be contaminated. Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.
  - a) Tiered risk assessment 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.

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b) 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.

c) The Local Planning Authority will determine the application 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.

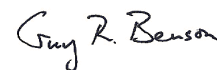
d) Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this, the applicant or those acting on behalf of the applicant will be liable under part II(a) of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.

e) 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

f) 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.

g) Newcastle under Lyme Borough 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. Further information regarding the requirements of Newcastle under Lyme Borough Council can be obtained from <http://www.newcastle-staffs.gov.uk/contaminatedland> or 01782 742 595

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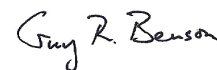


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4. It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities offer a fully supported mapping service and we recommend the applicant contact our Property Searches Team on 0870 751 0101 to obtain maps of the site. Due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.
5. The dropped crossing to the site shall be constructed in accordance with the submitted drawing no: CD/M/COTT/2014/1. 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, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2DH. (or email to [nmu@staffordshire.gov.uk](mailto:nmu@staffordshire.gov.uk) )

<http://www.staffordshire.gov.uk/transport/staffshighways/licences/>

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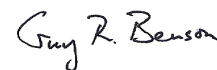
### **Appeals to the Secretary of State**

- 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.
- If you want to appeal against your Local Planning Authority's decision 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 Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at <http://www.planning-inspectorate.gov.uk/pins/forms/index.htm#planning>.
- The Secretary of State can allow a longer period 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.

### **Purchase Notices**

- 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 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.

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