Mr Aldridge
Westfields Clay Lake
Endon
Staffordshire
ST9 9BT

STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

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Mr Aldridge
Westfields Clay Lake
Endon
Staffordshire
ST9 9BT

Application no: SMD/2016/0169

Determined on: 23/05/2016

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

FULL PERMISSION FOR DEVELOPMENT

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

Location of Development:
Westfields Clay Lake Endon Staffordshire ST9 9BT

Description of Development:
Proposed erection of detached dwelling with detached garage

In pursuance of their power under the above mentioned Act, Staffordshire Moorlands District Council Planning Authority, **HEREBY GRANTS PLANNING PERMISSION** for the development described above subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

   Reason:- To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2. The development hereby approved shall be carried out in accordance with the details shown on 'Site Location Plan', received by the Local Planning Authority 15th March 2016; plans numbered ALD/2016/2212/003, ALD/2016/2212/004, received by the Local Planning Authority 17th March 2016; and drawing number's 01 and 02, received by the Local Planning Authority 18th March 2016.

   Reason: For the avoidance of doubt.

3. Nothwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that

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Order with or without modification), no development as specified in Schedule 2, Part 1 Classes A, B, C or E (which include alterations or extensions to the buildings, and new structures within the curtilage) shall be carried out without express planning permission first being obtained from the Local Planning Authority.
Reason:- To enable the Local Planning Authority to exercise control over development that may be harmful to the reasonable enjoyment of nearby residential properties.

4. All external building materials shall be in accordance with those specified on the application form.

   Reason:- In the interests of visual amenity.

5. The Laurel hedge located along the north-eastern boundary and the evergreen hedge located on the south-eastern boundary shall be retained and maintained for the life of the development to a height of not less than 2 metres above the highest adjcent ground level.

   Reason:- To protect the amenities of the adjacent residential properties.

6. The proposed living room windows in the north-east elevation shall be fitted within non-opening fixed lights an obscure glazed prior to the first occupation of the dwelling hereby approved, and shall thereafter be retained in perpetuity with obscure glazing.

   Reason:- To protect the amenities of the adjacent dwelling on the north-east side of the site.

7. The development hereby approved shall not be brought into use until the proposed access, parking, servicing and turning areas have been proided in accordance with the approved plans. The parking, turning and servicing areas shall thereafter by retained unobstructed as parking, turning and servicing areas for the life of the development.

   Reason:- In the interests of highway safety.

8. Prior to first occupation of the approved dwelling a rainwater harvesting system shall be installed which allows for surface water flow to be discharaged into the public foul sewer at a rate of 2 litres/seond.

   Reason:- To ensure that the development is provided with a satisfactory means of drinage in accordane with the comments received from Severn Trent Water.

9. In the event that soil contamination, including surface coal measures, is found at any time when carrying out the approved development it shall be reported in writing immediately to the Local Planning Authority. Development shall not re-commence 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 re-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 submitted to and approved in writing by the local planning authority. 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 shall be submitted to and approved in writing of 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. Before the commencement of development (including any site clearance, stripping or site establishment) temporary protective fencing and advisory notices for the protection of the existing trees to be retained shall be erected in accordance with guidance in British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations, and in aordance with Tree Protection Plan created by Peter Jackson dated 21st February 2014 accompanying the application, and shall be retained in position for the duration of the period that development takes place, unless otherwise agreed by the LPA. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires.

Reason:- To ensure that nearby trees on the peripheries of the site that are to be retained are protected during the constuction period.

Informative

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

2. In carrying out the development the applicant/developer should have regard to the advice contained in Section 4.0 (Development Constraints and Recommendations) contained in the submitted Ecology Report by Absolute Ecology.

3. The developer/applicant is advised that all noisy activities should 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.

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In this instance a noisy 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.

4. The responsibility for safe development and secure occupancy of the site rests with the developer. Attention is drawn to the following matters:

   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 British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice) and the Building Regulations 2010 Document E or other appropriate guidance. 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. Advice on the control of dust and emissions from construction and demolition Best Practice Guidance produced by the Greater London Councils. See:
   http://www.london.gov.uk/sites/default/files/BPGcontrolofdustandemissions.pdf
   Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456)

   If required, contamination risk assessments shall be carried out in accordance with UK policy and with the procedural guidance relating to the contaminated land regime, and should be in accordance with Planning Policy Statement 23 and the CLR Report Series 1-12.

   Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.

   The Local Planning Authority will determine the acceptability of reports on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post development, where the applicant had prior knowledge of the contamination, the applicant is likely to be liable under Part II (a) of the Environmental Protection Act 1990 and as such become and appropriate person. In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.

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

   During investigation and remediation works the applicant and those acting on behalf

of the applicant must ensure that site workers, public property and the environment are protected against noise, dust, odour and fumes

The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of in an appropriately licensed landfill site.

5. The Developer is informed that the exavated levels on the site are aceptable.

6. 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.

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.

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.

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(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

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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.