STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Rob Duncan
Rob Duncan Planning
70 Ferndale Road
Lichfield
Staffordshire
WS13 7DL

Mr Richardson
C/o agent

Application no: SMD/2017/0068

Determined on: 21/04/2017

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

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:
Land At Orchard Court Leek Staffordshire

Description of Development:
Erection of detached dwelling (resubmission of SMD/2016/0470)

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 complete accordance with the submitted amended plans and specifications as follows:-

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Amended Plan received on 13.4.17: PR House 12 SK03 LAYOUT 01 Rev 06
Amended Plan received on 13.4.17: PR House 12 SK03 LOCATION
Amended Plan received on 13.4.17: PR House 12 SK03 SITE

Reason:-
To ensure that the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.

3.The development hereby permitted shall not be commenced until samples of types and colours of all roof tiles and facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:-
To ensure that the external appearance of the development is satisfactory.

4. The open area to the east of the proposed dwelling shall be subdivided as shown on drawing "PR House 12 SK03 SITE" prior to the first occupation of the dwelling hereby permitted. The area shall thereafter be landscaped and maintained in accordance with conditions 5 and 6 of this permission. The area of land to the east of the dividing line shall be maintained as an open green space for the lifetime of the development with no means of enclosure adjacent to the boundary of the road marked Orchard Court on the application drawings.

Reason:-
In the interests of the character and appearance of the area.

5. The development hereby permitted shall not be commenced until full details of both hard and soft landscape proposals for both the curtilage of the dwelling hereby permitted and the open area to the east have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved in the first planting season following the occupation of the dwelling hereby approved. These details shall include:
- Means of enclosure
- Hard surfacing materials

Soft landscape details shall include:
- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
- Implementation timetables

Reason:-
To ensure the appropriate landscape design and in the interests of the visual and residential

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amenities of the area.

6. The implemented planting scheme and landscaping approved pursuant to condition 5 shall be subsequently properly maintained in accordance with a maintenance and management plan to be submitted to and approved by the Local Planning Authority before works commence. Any plants which are removed, die, become diseased or otherwise fail to establish within 5 years of planting shall be replaced during the next available planting season and the replacements themselves shall then be properly maintained.

Reason:-
To ensure the appropriate landscape design and in the interests of the visual and residential amenities of the area.

7. The development hereby permitted shall not be commenced until details of the following works have been submitted to and approved in writing by the Local Planning Authority:
- structural calculations and construction details for retaining wall supporting the embankment supporting Kiln Lane;
which shall thereafter be constructed in accordance with the approved details and completed before the commencement of development.

Reason:-
To comply with Staffordshire and Stoke on Trent Structure Plan Policy T13 and in the interests of highway safety.

8.The development hereby approved shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in exact 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.

9.The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) produced by JMP Consultants document reference MID3265 R001 final issue no. 2 dated 10 August 2012 and the mitigation measures detailed within the FRA, including Identification and provision of safe route(s) into and out of the site to an appropriate safe haven shall be fully implemented prior to occupation of the dwelling hereby permitted or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason:-

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To ensure safe access and egress from and to the site.

10.Unless prior permission has been obtained in writing from the Local Planning Authority, all construction vehicle movements within the site and on roads adjacent ot the site and 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)
- 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.

11. In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development shall not recommence until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed in writing 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 risk exists to any identified receptors, development shall notre 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 approved in writing 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. 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 shall be submitted to and agreed in writing by the Local Planning Authority prior to any soils being imported onto site. The methodology shall 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 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

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risks to workers, neighbours and other offsite receptors.

13. Other than where partial removal is required to accommodate the proposed new pedestrian access onto Kiln Lane, the existing hedgerow along the southern boundary of the application site shall be permanently retained, unless otherwise approved by the Local Planning Authority.

Reason:-
In the interests of the character and appearance of the site and in the interests of residential amenity.

14. Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey shall be carried out to check for nesting birds and the results submitted to and approved in writing by the Local Planning Authority. Where nests are found in any building, hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a further report submitted to and approved in writing by the Local Planning Authority before any further works within the exclusion zone take place.

Reason:-
In the interests of the ecological value of the site.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no additional windows or any other openings shall be installed in any part of the development hereby permitted unless a further planning permission has first been granted on application to the Local Planning Authority.
Reason:-
To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and the visual amenities in the area.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Class(es) A, B, C, D, E and F or Part 2 Class A shall be carried out wtihin the site, the curtilage of the dwelling hereby permitted or on the adjoining open land to the east unless a further planning permission has first been granted on application to 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.

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Informatives

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

2. These works will require a structure that will provide support to Kiln Lane, an adopted highway. Approval for these works will be required from the Highway Authority under Highways Act 1980. The applicant is requested to contact SCC Principal Structures Engineer, Chris Plant on 01785276701 or chris.plant@staffordshire.gov.uk or Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire ST16 2DH. This must be carried out prior to commencement of works.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

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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

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. 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.

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.

8. 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

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weeks of the date of this notice.

9. 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.

10. 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

11. 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.

12. 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.