STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

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Chief Executive

Mr J Wren
JMW Planning Ltd
578 Kedleston Road
Derby
DE22 2NH

Staffordshire Rural Development Ltd
c/o agent

Application no: SMD/2017/0151

Determined on: 19/06/2017

**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 between Willowgate and Heybridge Cottage UTTOXETER ROAD LOWER TEAN STAFFORDSHIRE

**Description of Development:**
Proposed six dwellings and new vehicular access from Heath House Lane

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):

Standard

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
**Reason:-** To comply with Section 91(1) of the Town and Country Planning Act 1990 (As Amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
- Site Block Plan drawing ref. 1665 AL 05 C
- House Type A - Proposed Floor Plans drawing ref. 1665 AL 08 A

- House Type A - Proposed Elevations and Perspectives drawing ref. 1665 AL 09 A
- House Type B - Proposed Floor Plans drawing ref. 1665 AL 10 A
- House Type B - Proposed Elevations and Perspectives drawing ref. 1665 AL 11 A
- House Type C - Proposed Floor Plans drawing ref. 1665 AL 12 A
- House Type C - Proposed Elevations and Perspectives drawing ref. 1665 AL 13 A

**Reason:-** For the avoidance of doubt and in the interests of proper planning.

Materials/Details

3. The development hereby permitted shall not be commenced until both samples and details of types and colours of all roof tiles, facing materials and hard surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
**Reason:-** To ensure that the external appearance of the development is satisfactory.

4. The development hereby permitted shall not be commenced until details of all gates, walls, fences and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to the occupation of any of the buildings on the site.
**Reason:-** To provide adequate privacy and an acceptable external appearance.

5. No works shall commence until a plan indicating the details of all joinery, including cross sections of glazing bars, to a scale not less than 1:10 has been submitted to and approved in writing by the Local Planning Authority. The work shall be completed in accordance with the agreed details.
**Reason:-** To ensure that the external appearance of the development is satisfactory.

6. No development shall commence on site until details of all eaves, verges, windows (including head, sill and window reveal details), doors, rainwater goods, chimneys, dormers and canopies have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
**Reason:-** To ensure that the external appearance of the development is satisfactory.

Levels

7. The development hereby permitted shall not be commenced until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the proposed building(s), have been submitted to and approved in writing by the Local Planning Authority. There shall be no variation in these levels without the written approval of the Local Planning Authority.
**Reason:-** In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties.

Removal of Permitted Development

8. Notwithstanding the provisions of The Town and Country Planning (General Permitted

Development) (England) Order 1995 (as amended by The Town and Country Planning (General Permitted Development) Order 2015), or any Order revoking or re-enacting or amending that Order with or without modification, no development within Schedule 2 Part 1, Classes A-H and Parts 2 shall take place on the dwelling house(s) hereby permitted or within their curtilages unless a further planning permission has first been granted on application to the Local Planning Authority.
**Reason**: To protect the character and appearance of the area..

Highways

9. The development hereby permitted shall not be brought into use until the access to the site has been completed in accordance with the approved plans. 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
a) bellmouth access off Heath House Lane generally as shown on drawing 1665 AL05 C;
b) 2m wide footway on the frontage of the site to the south of the proposed access to connect to the existing footway;
c) pedestrian dropped crossings with tactile paving to connect the development to the existing footway on the opposite side of Heath House Lane;
d) replacement/relocation of existing streetlight conflicting with proposed access, and,
e) relocation of existing road gully to outside of the extent of the bellmouth.
The highway works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.
**Reason:-** In the interests of highway safety.

10. The development hereby permitted shall not be brought into use until the visibility splays shown on plan ref. no 1665 AL05 B have been provided. The visibility splay shall thereafter be kept free of all obstructions to a visibility over a height of 600 mm above the adjacent carriageway level.
**Reason:-** In the interests of highway safety.

11. 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, turning and servicing areas shall thereafter be retained unobstructed as parking, turning and servicing areas for the life of the development.
**Reason:-** In the interests of highway safety.

12. The development hereby permitted shall not be brought into use until the access drive rear of the public highway has been surfaced and thereafter maintained in a bound and porous material for a minimum distance of 10m back from the site boundary in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Development shall be carried out in accordance with the approved details.
**Reason:-** In the interests of highway safety.

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Amenity

13. Prior to the commencement of development, a Construction and Environmental Method Statement for the site shall be submitted to and approved in writing by the Local Planning Authority. It shall include the following details:-

a) The method and duration of any pile driving operations (expected starting date and completion date);
b) The hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;
c) Pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;
d) The arrangements for prior notification to the occupiers of potentially affected properties;
e) The responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
f) A scheme to minimise dust emissions arising from 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. The approved dust suppression measures shall be maintained in a fully functional condition for the duration of the construction phase;
g) Details of wheel washing facilities. All construction vehicles shall have their wheels cleaned before leaving the site;
h) A scheme for recycling/disposal of waste resulting from the construction works;
i) The parking of vehicles of site operatives and visitors;
j) The loading and unloading of plant and materials;
k) The storage of plant and materials used in constructing the development;
l) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; and,
m) Installation and maintenance of wheel washing facilities.

All works shall be carried out in accordance with the approved Method Statement.
**Reason:-** To minimise disturbance to neighbouring residents.

Flooding and Drainage

14. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:-

a) A scheme for the provision and implementation of surface water run-off limitation to existing greenfield run-off rates; and,
b) Provision, implementation and maintenance of a Sustainable Drainage (SuDs) system with storage provided up to the 100 year plus 30% climate change allowance.

Prior to commencement of development, a timetable for the implementation of the mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be implemented in accordance with the approved timetable.
**Reason:-** To ensure satisfactory drainage of the site and to avoid flooding.

Site Investigation/Contaminated Land

15. If, during the course of development, any contamination is found which has not been previously identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures. Prior to bringing the development into first use, a validation report demonstrating completion of the works as set out in the approved remediation strategy shall be submitted to and is subject to the written approval of the Local Planning Authority.
**Reason:-** To ensure that the site is fully remediated before development takes place and that any buildings are suitably protected.

Importation of Soil / Material

16. No top soil shall 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 the 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 to by the Local Planning Authority prior to first occupation of the development.
**Reason:-** To ensure that the site is fully remediated before development takes place and that any buildings are suitably protected.

Landscaping / Ecology

17. No tree / shrub clearance work shall be carried out between 1st March and 31st August inclusive in any year, unless the relevant area has been surveyed in advance for breeding birds and confirmation of this has been provided in writing to the Local Planning Authority. Where breeding birds are identified in the relevant area, a scheme to protect them shall be submitted to and approved in writing by the Local Planning Authority prior to the carrying out of the relevant tree / shrub clearance work and the scheme shall be implemented in accordance with the approved details.
**Reason:-** To mitigate against the loss of existing biodiversity and nature habitats

18. No development shall take place (including demolition, ground works and vegetation clearance) until a landscape and ecological management plan (LEMP) (or equivalent) for all retained and created habitats has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:-
a) Description and evaluation of features to be managed / created;
b) Ecological trends and constraints on site that might influence management;
c) Aims and objectives of management;
d) Appropriate management options for achieving aims and objectives;
e) Prescriptions for management actions;
f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 10 year period);
g) Details of the body or organisation responsible for implementation of the plan, and,

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h) Ongoing monitoring and remedial measures.
The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The plan shall be implemented in accordance with the approved details.
**Reason:-** To mitigate against the loss of existing biodiversity and nature habitats

19. No development shall commence on site until a scheme of hard and soft landscaping in general accordance with General Arrangement Site Plan landscape proposals: shrubs and hedges drawing ref. 1665 AL 028 D and General Arrangement Site Plan landscape proposals: trees drawing ref. 1665 AL 029 D has been submitted to and approved in writing by the Local Planning Authority. The details of which shall include:
(a) indications of all existing trees and hedgerows on the land;
(b) details of any to be retained, together with measures for their protection in the course of development;
(c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
(d) finished levels and contours;
(e) means of enclosure;
(f) car park layouts;
(g) other vehicle and pedestrian access and circulation areas;
(h) hard surfacing materials;
(i) minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
(j) proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);
(k) retained historic landscape features and proposed restoration, where relevant.
Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment) schedules of plants, noting species, plant sizes and proposed numbers/densities and implementation programme. Development shall be carried out in complete accordance with the approved details.
**Reason:-** To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features, in the interests of visual amenity.

20. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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**Reason:-** To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features, in the interests of visual amenity.

Archaeology

21. No development hereby permitted shall commence until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority and until any pre-start element has been completed in accordance with the approved scheme. The scheme shall include an assessment of significance and research questions and in particular:
a) The programme and methodology of site investigation and recording;
b) The programme for post-investigation assessment;
c) Provision to be made for analysis of the site investigation and recording, and,
d) Provision to be made for publication and dissemination of the analysis and records of the site investigation;

Provision shall be made for archive deposition of the analysis and records of the site investigation and nomination of a competent person or persons/organisation to undertake the works. No part of the development hereby approved shall be occupied until the site investigation has been implemented in accordance with the approved written scheme of investigation.
**Reason:-** To ensure that a proper archaeological record of the site is made.

**Informative(s)**

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

2. Landscape and Habitat Management Plan:-

   - Trees and shrubs planted within developed landscaped areas shall be of a native species of a similar composition to species identified within species rich hedgerows and the adjacent woodland;
   - The establishment of a hedgerow field buffer layer shall be carried out using appropriate local native species. Species could include, but not limited to Aconite, Winter (*Eranthis hyemalis*), Anemone, Wood (*Anemone nemorosa*), Bluebells, English (*Hyacinthoides non-scripta*), Bugloss (*Ajuga reptans*), Celandine (*Ficaria verna*) plants;
   - A full list of appropriate native species shall be provided with planting, establishment and aftercare costs;
   - A species rich buffer 2.0m should be provided from the centre of the hedge;
   - Long-term maintenance of the created hedgerows shall be provided i.e. traditional laying on 10-15 year cycle with all arising removed from site;
   - The box hedge between gardens shall be replaced with a wild privet hedge (*Ligustrum vulgare*) or mix of holly/ beech;

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- Details of biodiversity enhancements within the buildings shall include as a minimum nesting sites for sparrows and house martin. The western most property shall provide for the creation of an artificial roosting site for bats, and,
- Small gaps at the base of walls shall be provided to allow for the movement of hedgehogs across the development.

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 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.
13.