STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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Chief Executive

Ms Beverley Poole
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Stoke on Trent
Staffordshire
ST8 6AB

Mr Steele
34 Pitchponds Way
Southampton
SO31 9GP

Application no: SMD/2016/0654

Determined on: 1st September 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 Adjoining Eden Bungalow SANDY LANE BROWN EDGE STAFFORDSHIRE ST6 8QL

Description of Development:
Proposed development of three detached dwellings on land adjacent to Eden Bungalow, with modifications to existing site boundary wall to form new vehicular access to site and landscaping (resubmission of SMD/2015/0470)

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 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

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shall be carried out in accordance with the approved details.
Reason:- To ensure that the external appearance of the development is satisfactory.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.
Reason:- In the interests of the visual appearance of the development and the amenities of the area.

4. All planting, seeding or turfing comprised in the approved details of andscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner: and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority give written consent to any variation.
Reason:- In the interests of the visual appearance of the development and the amenities of the area.

5. 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 Schedule 2, Part 1 Class(es) A, B and C other than those expressly authorised by this permission, shall be carried out 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 ensure that adequate private open space is retained within the curtilage of the building.

6. The development hereby permitted shall not be commenced until details of the following highway works have been submitted to and approved in writing by the Local Planning Authority:
- widening of Sandy lane to a minimum width of 5m;
- relocation of road gully and connection to outside the limits of access to Unit 1;
The highway works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.
Reason:- To comply with NPPF paragraph 32; to comply with SMDC Core Strategy Policies DC1 and T1; in the interests of highway safety and to ensure safe access and egress.

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7. Nothing shall be placed or allowed to remain that is greater than 900mm in height above the adjacent carriageway level within 2.4m of the carriageway edge in accordance with drawing 15-005 AS(0)04N, excluding telegraph pole and supports.
Reason:- To comply with NPPF paragraph 32; to comply with SMDC Core Strategy Policies DC1 and T1; in the interests of highway safety.

8. The individual plots hereby permitted shall not be brought into use until the access to that individual plot has been completed.
Reason:- To comply with NPPF paragraph 32; to comply with SMDC Core Strategy Policies DC1 and T1; in the interests of highway safety.

9. Notwithstanding any details shown on the approved plans no development shall be commenced until revised access details indicating the following have been submitted to and approved in writing by the Local Planning Authority:

- access to unit 2 of no greater width than access to Unit 3;
- accessess constructed with dropped kerbs at carriageway edge

The access shall thereafter be carried out in accordance with the approved details and be completed prior to first occupation and shall thereafter be retained as such for the lifetime of the development.
Reason:- To comply with NPPF paragraph 32; to comply with SMDC Core Strategy policies DC1 and T1; in the interests of highway safety. To avoid over wide access crossings. To prevent highway surface water run-off entering driveways.

10. The development hereby permitted shall not be brought into use until the parking areas have been provided in accordance with the approved plans. The parking areas shall thereafter be retained unobstructed as parking areas for the life of the development.
Reason:- To comply with NPPF paragraph 32; to comply with SMDC Core Strategy policies DC1 and T1; in the interests of highway safety.

11. The development hereby permitted shall not be brought into use until the access drives rear of the public highway have been surfaced and thereafter maintained in a bound and porous material for a minimum distance of 5m back from the carriageway edge.
Reason:- To comply with NPF paragraph 32; to comply with SMDC Core Strategy policies DC1 and T1; in the interests of highway safety.

12. During construction, no mud or other debris or deleterious material shall be deposited on the highway. Any that is shall be immediately removed by mechanical means.
Reason:- To comply with NPPF paragraph 32; to comply with SMDC Core Strategy policies DC1 and T1; in the interests of highway safety.

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13. 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 the access immediately to the rear of the highway boundary where the access is at a higher level than the adjacent highway unless otherwise agreed in writing by the Local Planning Authority.
Reason:- To comply with NPPF paragraph 32; to comply with SMDC Core Strategy policies DC1 and T1; in the interests of highway safety.

14. 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:- To comply with NPPF paragraph 32; to comply with SMDC Core Strategy policies DC1 and T1; in the interests of higway safety.

15. The development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water flows 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 or exacerbate a flooding problem and to minimise the risk of pollution.

16. Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy 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 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.

17. In the event that soil contamination, including surface coal measures, 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 commence further 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 risks exists to any identified receptors, development shall not 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. 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 must be produced, and is subject to the approval 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

18. There shall be no removal of any trees, shrubs or hedgerows during the bird nesting season (March to August inclusive), unless otherwise agreed in writing by the Local Planning Authority and in this case only following careful inspection by a competent person to establish that such trees, shrubs or hedgerow are not in active use by nesting birds.
Reason:- To comply with SMDC Core Strategy policy NE1 and the NPPF.

19. The development hereby approved shall be carried out in accordance with drawings numbere 15-005_AS(0)04 Rev.N, 15-005_AS(0)210 Rev.O, 15-005_AS(0)211 Rev.O, 15-005_AS(0)212, 15-005_AS(0)213, 15-005_AS(0)214 and 15-005_AS(0)215.
Reason:- For the avoidance of doubt.

Informative

1. Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The link below provides a further link to a Major Works Information Pack and an application form for the Major Works Agreement. Please complete and send to the address indicated on the application fom 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/staffshighways/licences/ Works may be carried out under a S38 agreement. Please contact SCC Highways to discuss.

   The telegraph pole within the widened carriageway will need to be relocated to behind the realigned boundary wall.

   The condition requiring relocation of the highway gully shall require a Minor

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Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The link below provides a 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 fom 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/staffshighways/licences/

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

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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. In accordance with paragraph 186 and 187 of the NPPF the Local Planning Authority has negotiated with the Agent in order to reach a positive outcome. The application constitutes a sustainable form of development and so accords with the NPPF.

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.

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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.