STAFFORDSHIRE
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DISTRICT COUNCIL
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Chief Executive

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Application no: SMD/2017/0549

Determined on: 20/12/2017

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

APPROVAL OF RESERVED MATTERS

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:
The Homestead, John Street, Biddulph, Staffordshire, ST8 6BB.

Description of Development:
Approval of Reserved Matters for Outline permission SMD/2016/0395

In pursuance of their power under the above mentioned Act, Staffordshire Moorlands District Council Planning Authority **APPROVES** the following matters which have been reserved for later approval on the grant of outline planning permission for development.

1. The development hereby approved shall be carried out in accordance with the submitted specifications and plans as follows: Site Plan drawing ref. 3844/19J, House Type Plots 5 and 6 drawing ref. 3844/16A and House Type Plots 7 to 10 drawing ref. 3844/17A.
   Reason:- To ensure that the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.

2. The new build element of the development hereby permitted shall not be commenced until details, and samples if requested, of all roof tiles, facing materials, and details of the windows and doors and hard surfaces have been submitted to and approved in writing by the Local Planning Authority (LPA). The development shall be carried out in accordance with the details as subsequently approved in writing by the LPA.
   Reason:- To ensure that the external appearance of the development is satisfactory.

3. Soil and vent pipes shall be internal and shall not project above the roof line of the dwelling unless otherwise approved with a scheme to be submitted to and approved in writing by the LPA prior to the commencement of such works. The development shall be carried out in accordance with the details as subsequently approved in writing by the LPA.
   Reason:- In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties.

4. 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 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.

5. The proposed side elevation windows at first floor in the northern and southern elevations of the new build element of the proposal hereby approved shall be fitted with obscure glazing to level 5 (minimum) from the Pilkington range or equivalent. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or as subsequently may be amended or re-enacted) this/these window(s) shall not be re-glazed with any transparent materials or enlarged or otherwise altered, nor shall any additional door, window or other opening be formed in those elevations unless a further planning permission has first been granted on application to the Local Planning Authority.
6.
   Reason:- To protect the amenity and living conditions of the adjoining residential property from overlooking or perceived overlooking.

7. 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 other than those shown on the approved plans shall be installed in any part of the development forming the side elevation of any dwelling, without prior written consent from the District Council as 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.

8. 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 Classes A; B; C; D; E; F and G and Part 2 Classes A and B 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, to ensure that adequate private or shared amenity space is retained within the curtilage of the building.

9. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been completed in accordance with drawing reference 3844/19J.
Reason:- In the interests of highway safety.

10. The development hereby permitted shall not be brought into use until those parts of the existing site accesses, which shall include the access crossing between the site and carriageway edge made redundant as a consequence of the development hereby permitted is permanently closed and the access crossing reinstated as footway with full height kerbs.
Reason:- In the interests of highway safety.

10. The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plans. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the lifetime of the development.
Reason:- In the interests of highway safety.

11. The planting plan shown and detailed on drawing reference 3844/19J shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. The trees, shrubs and climbing plants planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.
Reason:- To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

12. The existing hedges along the northern, southern and western boundaries of the application site, adjacent to Doctor's Close, Gunn Street and John Street respectively shall be permanently retained and maintained to a height of 3.5 metres when measured from the ground level at the street frontage boundary.
Reason:- To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

Informative(s)

1. This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. In accordance with Paragraph 187 of the NPPF. The Case Officer has sought solutions where possible to secure a development that improves the economic, social and environmental conditions of the area.

2. It is noted that the access is to remain private, but as it serves greater than 5 dwellings, technical approval of the access will be required.

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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.