

RLM Associates
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Leek
Staffordshire
ST13 6QZ

Mrs Legan
36 Ledbury Crescent
Stoke-on-Trent
ST9 9LN

Application no: SMD/2017/0745

Determined on: 20th March 2018

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

GRANT OF OUTLINE PLANNING PERMISSION

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:

Woodlands View Clewlovs Bank Bagnall Staffordshire ST9 9LN

Description of Development:

Outline application for replacement dwelling and associated works.

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

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason:- To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (As Amended)

2. The approval of the Local Planning Authority shall be obtained in writing with respect to the plans and particulars of the following reserved matters (hereinafter called 'the reserved matters') before any development is commenced.

a)-The Layout of the building (s)

- b)-The Scale of the building(s)
- c)-The Appearance of the building(s)
- d)-The Landscaping of the site
- e) The Access to the site

Reason:- The application is an outline application under the provisions of Article 1(2) of the Town and Country Planning (General Development Procedure) Order 1995 and no particulars have been submitted with respect to the matters reserved in this permission.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason:- To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

4. The development shall be carried out in accordance with the following approved plans

RLM 870/1A

RLM 870/2

Reason:- In the interests of proper planning

5. The reserved matter application shall be informed by the Arboricultural Report prepared by Tree Heritage dated 26th October 2017 submitted in support of the application.

Reason:- To protect trees which contribute to the character and appearance of the area

6. Before the commencement of development (including any demolition, site clearance and stripping) temporary protective fencing and advisory notices for the protection of the existing trees and hedges 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 as set out in the Arboricultural Report prepared by Tree Heritage dated 26th October 2017 submitted in support of the application, and shall be retained in position for the duration of the period that development takes place. 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 protect trees, hedges in the interests of biodiversity and the character and appearance of the area

7. There shall be no removal of any trees or shrubs during the bird nesting season (nominally March to August inclusive), unless otherwise agreed by the Local Planning Authority and in this case only following careful inspection by a competent person to establish that such trees or shrubs are not in active use by nesting wild birds.

Reason:- To safeguard trees in the interests of the character and appearance of the

area and protected birds.

8. Any mature tree to be removed or to have substantial crown pruning operations carried out shall first be carefully inspected for the potential to provide bat roosting opportunities. Any tree which has such potential (which could include cavities, splits, decay pockets, hollow stems or branches, areas of loose bark, dense ivy cover or dense epicormic shoots) shall be subject to a further detailed and if necessary climbing inspection by a licensed bat worker immediately prior to felling or pruning, and all felling or pruning of such trees shall take place in the presence of the bat worker who can then immediately advise on appropriate measures if bats are discovered during dismantling, felling or pruning operations.

Reason:- In the interests of biodiversity and the safeguarding of Protected species

9. The development hereby approved shall be carried out strictly in accordance with the recommendations of the Bat survey prepared by Stephen Gower and submitted to the Council on the 15th March 2018 by e-mail noting in particular that all roof tiles shall be removed by hand.

Reason:- In the interests of biodiversity and the safeguarding of Protected species

Informative

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

1. This is considered to be a sustainable form of development which complies with the National Planning Policy Framework.
2. The applicant is advised that it is an offence to undertake development which will have a detrimental impact on species or habitats protected under European and/or British Law. If bats are found at any stage during the demolition of the buildings hereby approved, work should cease immediately and contact should be made with English Nature, Attingham Park, Shrewsbury, Shropshire, SY4 4TW; telephone 01743 282000.
3. The reserved matters application should have regard to national and local planning policies with regard to the size of the replacement dwelling in this Green belt location ensuring that it is not materially larger than the one it replaces and ensuring that it does not have a significantly greater detrimental impact on the existing character of this rural area than the original dwelling.
4. Plan ref RLM870/3 – Indicative Block Plan refers to a two storey dwelling. The applicant is advised that it is unlikely that a two storey dwelling will be approved at reserved matters, taking into account the requirements of the National Planning Policy Framework – Section 9 – Protecting Green Belt Land.

X 

Signed by: Jane Colley

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 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.

