STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Mr & Mrs Owen
C/O Hewitt & Carr Architects

Application no: SMD/2019/0470

Determined on: 15/05/2020

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:
2 Land Adjacent Hillswood Close Endon Staffordshire ST9 9BS

Description of Development:
New build detached dwelling on land adjacent to No. 2 Hillswood Close

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 accordance with the details as submitted in the application form and submitted specifications and as shown in drawings:
00898 AL(0) 21 A
00898 AL(0) 23 A
00898 AL(0) 24 A
00898 AL(0) 25 A
00898 AL(0) 20 (March 2020)

00898 AL(0) 22 (March 2020) – site sections with levels

Reason: To ensure that the development is carried out in accordance with the submitted details and approved plans, in the interests of good planning, for clarity and the avoidance of doubt.

3. The external facing and roofing materials and window framing shall be:

Bricks – Wienerberger heritage blend;
Roof Tiles – Staffordshire Blue Plain Clay Tiles;
Windows – RAL 7016 (anthracite grey) Aluminium Frames

all as proposed by the applicant and there shall be no variation without the prior consent in writing of the Local Planning Authority.

Reason: To ensure that the works are in accordance with the details as submitted and approved for clarity and the avoidance of doubt.

4. Prior to the commencement of site work including any site clearance, stripping, site establishment and formation of new temporary or permanent access driveway temporary protective fencing and advisory notices for the protection of the adjacent woodland to the westerly site boundary shall be erected in accordance with guidance in British Standard 5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations, and shall be retained in position for the duration of the period that development takes place, unless otherwise agreed in writing by the Local Planning Authority. 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 in the areas excluded from the site by the fencing unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of safeguarding adjacent mature woodland for reasons of biodiversity and public amenity.

5. Prior to the commencement of any site work whatsoever including site clearance and worker establishment a survey of the site and immediate environs shall be undertaken by an ecologically qualified person suitably experienced in surveying for badgers in relation to development proposals in order to ascertain if there is any badger activity on the site or within such proximity that could be affected by the proposals. The survey shall be undertaken within six months prior to any site work commencing (including clearance and site establishment) and the survey results shall be submitted to and approved in writing by the Local Planning Authority along with any necessary mitigation measures. Development including site establishment and site clearance shall then only proceed in accordance with any further approved mitigation measures found necessary as a result of the survey.

Reason: to ensure appropriate safeguard for protected species.

6. Construction access to the site at all times throughout the course of the development shall be arranged and undertaken in accordance with the submitted construction vehicle management plan subject to the following additional provisions: that no loading or unloading shall take place directly from the adopted highway of Clay Lake and that at all times the

shared private access road shall be kept open and clear for access to neighbouring properties.
Reason: in the interests of highway safety and neighbour amenity.

7. 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 antisocial hours.

8. 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 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 exist 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 approved in writing by the Local Planning Authority.
Reason: To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

9. The private pedestrian access to Hillswood Close shall be finished in a bound evenly levelled surface prior to the first residential occupation of the development hereby approved.
Reason: In the interests of sustainable access for residents of the development in accordance with Policies SS1 and DC1 and the NPPF including sections 2, 8 and 9.

10 Prior to the first occupation of the permitted dwelling the parking and turning areas for that dwelling shown on the approved plans shall be provided. The parking and turning areas shall thereafter be retained at all times for their designated purposes.
Reason: In order to comply with Paras.108-110 of the NPPF 2018 and in the interests of Highway Safety.

11. Prior to the first occupation of the development hereby approved a system of surface

water drainage interceptors shall be incorporated in the parking, turning and driveways to collect surface water and prevent surface water flowing onto the linking driveways and the highway from the areas surfaced as a result of this approval.
Reason: To comply with NPPF Paragraph 32; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety and to define the extent of the highway.

12. At any time during and following the completion of the development all exterior lighting installations shall be erected only in accordance with the protocols contained in the Institute of Lighting Engineers document "Guidance for the Reduction of Obtrusive Lighting" (2005) and the Bat Conservation Trust's "Artificial Lighting and Wildlife Interim Guidance: Recommendations to Help Minimise the Impact of Artificial Lighting" (2014).
Reason: to minimise disturbance by artificial light to protected species including bats and minimise sky-glow across the site or the illumination of adjacent woodland.

13. 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, 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.

14. 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 and the amenities of neighbours and to ensure that adequate private or shared amenity space is retained within the curtilage of the building.

15. Prior to the first occupation of the development details of the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the scheme has been implemented in accordance with the approved details.
Reason: In the interests of amenity

Informatives

1. Nothing in this permission grants consent for the demolition of the garden / tennis pavilion within the site and which is shown on the submitted amended drawing RLM923/1

revision B as being retained. Should demolition be intended at a future date the consent of the LPA will be required and any such application will need to be accompanied by a protected species survey with particular attention to bats which are legally protected and which it is possible may utilise the building at certain times.

2. Severn Trent Water advise that there may be a public sewer located within the application site. Although the statutory sewer records do not show any public sewers within the site area specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact Severn Trent at the earliest opportunity to discuss the implications of their assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

3. The proposed development is judged to be of suitable design and meets the tests of sustainability in planning. There are not judged to be any adverse implications for neighbours or wider public amenity and street scene. Amended plans were agreed with the agent in the course of the determination in accordance with the principles of negotiation and amendment as advocated in the National Planning Policy Framework.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

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 BControl@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.