STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Mr Andrew Graham

Mr Graham
Brookvale Uttoxeter Road
Checkley
Staffs
ST10 4NA

Application no: SMD/2020/0128

Determined on: 22nd May 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:
Land South of Brookvale, Uttoxeter Road, Checkley, Staffordshire, ST10 4NA

Description of Development:
Excavation and Construction of a balancing/attenuation pool to prevent local flooding associated with agricultural land and to assist in flood alleviation down stream on the river Tean

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 Section 91(1) of the Town and Country Planning Act 1990 (As Amended)

2. Notwithstanding any drawn or written detail submitted with the application, the development permitted and described above shall only be caried out in complete accordance with the revised plans numbered 5AFSB/01/rev02; 5AFSB/03/rev02; 5AFSB/04/rev02; 5AFSB/05/rev02; 5AFSB/06/rev02; 5AFSB/07/rev02; and 5AFSB/08/rev02 that were submitted on the 18th May 2020. For the avoidance of doubt the concrete ring island shown on the revised plans as being omitted from the scheme shall not at any time be constrcuted as part of the development.

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework. In terms of landscape and ecology interests the island is considered to be an undesirable feature.

3. When constructed the pond shall remain only as a wildlife and land drainage feature, it shall not be stocked with fish or in any way used as a fishing lake or for any other recreational purpose. Livestock fencing shall be erected as appropriate to prevent livestock approaching and drinking from the side of the pool.

Reason:- For the purposes of clarification and the avoidance of doubt and to protect biodiversity and local ground water quality.

4. The land that surrounds the pond, to the south and west of Brookdale, shall only be used as grazing land for livestock or horses (or any other agrciultural purpose). Other than the cut and fill areas shown on the drawing numbered 5AFSB/04/rev02, there shall at no time be any structures, caravans, containers or trailers placed or kept on the land and there shall be no ornamental planting, rockeries or other forms of landscaping carried out on the land. Once excavated material has been placed in the 'fill' areas that are marked on the drawing, the land shall be shaped to blend into surrounding land profiles and sown with grass seed.

Reason:- For the purposes of clarification and the avoidance of doubt and to ensure that surrounding land retains a satisfactory appearance.

5. Land drainage 'infalls' and 'outfalls' that feed and discharge from the pond shall at all times be maintained as being free flowing without any obstruction or blockage. The ponds water levels shall be managed appropriately to provide flood storage capacity during high rainfall events.

Reason:- To ensure that land drains do not back up or the pond does not overflow and flood surrounding land.

6. With appropriate coordination during the carrying out of the development and, where necessary, within the first available planting season after the development has been carried out, the areas A-F shown on the ecology plan drawing numbered 5AFSB/08/rev02 shall be planted in accordance with the corresponding details in the submitted document 'Ecology Proposals' 5AFSB/08det/rev01, save for the areas D and E (south side of pond) that, notwithstanding the submitted details, shall not be planted with any tress or shrubs that would shade the wetland. Throughout the planting scheme the introduction of new wetland species shall be limited to the following species:

- Branched bur-reed (Sparganium erectum),
- common reed (Phragmites australis),
- bulrush/reedmace (Typha latifolia),
- reed sweet-grass (Glyceria maxima),
- reed canary-grass (Phalaris arundinacea),
- yellow iris (Iris pseudacorus)

Reason:- In the interests of appropriately securing the best benefits relative to the diversity

of ecology.

Informative

In determining this application for approval consideration has been given to the adopted Staffordshire Moorlands Core Strategy and to the National Planning Policy Framework. With additional clarification received in responses from the applicant 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. The application has thus been determined as advocated within the National Planning Policy Framework paragraph 38.

You may need to apply for an abstraction or impoundment licence if you want to remove water, temporarily or permanently; or build something to restrict or impound water on a watercourse. A Land Drainage Act consent from your lead local flood authority or the internal drainage board may be required and you are adivesd to contact the Staffordshire County Council flood authroity for further advice on this matter.

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 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.

STAFFORDSHIRE moorlands DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

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.