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Mr Ball
c/o agent

Application no: SMD/2022/0472

Determined on: 16th December 2022

**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 Cresswell Old Lane, Cresswell, Staffordshire

Description of Development:

Erection of 2no. detached dwellings.

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. Development shall not commence until a further site risk assessment has been undertaken to assess the nature and extent of any contamination on the site, Once completed, a written report of the findings and recommendations shall be submitted and approved in writing by the Local Planning Authority; and:

- (a) If the site risk assessment indicates that potential risks exist, development shall not commence, until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been submitted and approved in writing by the Local Planning Authority
- (b) Following completion of measures identified in the approved remediation scheme (a) and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted and

approved in writing by the Local Planning Authority

- (c) If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason:- 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.

3. No top soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development, a suitable methodology for testing this material shall be submitted to and agreed in writing by the Local Planning Authority prior to the soils being imported onto site. The methodology shall include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and validatory evidence submitted to and approved in writing to by the Local Planning Authority.

Reason:- 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.

4. The development hereby permitted and described above shall only be carried out in accordance with the following approved plans numbered 00932 AL(0)01J, 00932 AL(0)02 and 00932 AL(0)03A that were submitted with the application.

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

5. The development hereby permitted and described above shall only be carried out using Staffordshire blue plain clay tiles and a red facing brick of a type, colour and texture that have first been submitted to and approved in writing by the Local Planning Authority.

Reason:- To ensure that the external appearance of the development is satisfactory.

6. A scheme to protect future occupiers of the development from railway noise shall be submitted to and approved in writing by the Local Planning Authority before construction of the above ground floor slab level commences. This scheme shall be designed to achieve the target noise levels as set out below:

target noise levels to be achieved in respect of those habitable rooms and outdoor areas as specified:

- Daytime Noise (07:00-23:00) Living Rooms & Bedrooms - 35dB_{LAeq},16hr
- Daytime Noise (07:00-23:00) Dining Areas - 40dB_{LAeq},16hr
- Daytime Noise (07:00-23:00) Outdoor Amenity Areas - 55dB_{LAeq},16hr
- Nighttime Noise (23:00 – 07:00) Bedrooms - 30dB_{LAeq},8hr.
- Nighttime noise (23.00 – 07.00) Bedrooms – 45dB_{L_{Amax}},F,1s no_more than 10-15 times per night

The scheme must be capable of achieving these levels either with windows open or alternatively with passive ventilation systems in the open position. For the purposes of calculation noise reduction through a partially open window should be assumed to be 15dBA. If the above levels cannot be achieved with open windows or with ventilators open, then the scheme must also identify reasonable steps to minimise thermal overheating on future occupiers during warmer months. The development shall only be carried out in accordance with and incorporating that approved scheme that shall thereafter be retained and maintained throughout the life of the development.

Reason: To ensure that the proposed development safeguards the amenity of future occupants from noise disturbance.

7. The development hereby permitted shall not be brought into use until: the visibility splays at the junction of Cresswell Old Lane onto Cresswell Lane, to the northwest of the site, across the site's Cresswell Lane frontage, as shown in green on plan 00932 AL(0)01 rev J, has been provided; and, the visibility splays to the driveway accesses serving plots 1 and 2 shown on plan 00932 AL(0)01 rev J have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

Reason:- in the interests of highway safety.

8. The development hereby permitted shall not be brought into use until the plot accesses within the limits of the public highway, and parking and turning areas rear of the public highway, have been provided and completed in accordance with the approved plan 00932 AL(0)01 rev J. The parking areas shall thereafter be retained unobstructed as parking areas for the life of the development. Furthermore, prior to the development being brought into use the access drives surfaced in a bound and porous material for a minimum distance of 5m back from the carriageway edge. The surfacing shall thereafter be maintained.

Reason:- In the interests of highway safety.

9. Before the development is brought into use, or the developer has left the site and completed works, the landscaping and hedgerow planting and the erection of boundary fences shall be carried out in accordance with the approved plan 00932 AL(0)01 rev J, and shall thereafter be retained and maintained throughout the life of the development. Notwithstanding the provisions of Part 2, Schedule 2 of the General Permitted Development Order 2015, there shall be no other fences, gates or means of enclosure erected without the prior consent and agreement of the Local Planning Authority.

Reason:- To ensure a satisfactory appearance of the development.

10. The development shall only be carried out in accordance with, and incorporating, those recommendations set out at section 5 of the 'Ecological Survey and Assessment Report' submitted with the application. Before the development is brought into use or occupied, the artificial nest sites for swifts, house martin and house sparrow, to be installed as nest boxes on trees and structures, shall be installed in accordance with, the report. The bird boxes shall thereafter be retained and maintained, as being available to nesting birds, throughout the life

of the development.

Reason:- In the interests of nature conservation.

Informative

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. As the application was considered acceptable there was no need for any negotiation or amendment as would otherwise be advocated within the National Planning Policy Framework paragraph 38.

The access crossing to the site from the highway shall be constructed in accordance with the submitted drawing and SCC requirements. Please note that prior to the access being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a further link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a dropped crossing. Although the pack refers to dropped crossings, a S184 notice is required for an access leaving the carriageway and crossing highway verge. Please complete and send to the address indicated on the application form 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/>

X *B.J. Haywood*

Signed by: Ben Haywood

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 BControl@staffsmoorlands.gov.uk
1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.

8. 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.
9. 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>
10. 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.
11. 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.
12. Domestic sprinklers
Fire sprinklers operate automatically even if you are not at home releasing water directly over the source of the fire and sounding the alarm, they are unobtrusive and easy to install. Sprinklers are NOT expensive; normally costing around 1-2% of the cost of construction of a new building. The use of sprinklers will usually allow design freedoms as well, which can reduce construction costs and improve usability and design freedoms of the building. The chance of an accidental discharge is 16,000,000:1
If you would like further advice please contact Staffordshire Fire and Rescue Service (www.staffordshirefire.gov.uk)
13. Working smoke alarms correctly positioned in your home can save your life.
The Fire Service recommends you have smoke alarms on every floor of your home, including in each bedroom, and make sure you test your smoke alarms at least once a month. Although the application of approved guidance and enforcement of regulations will give buildings the legally required baseline of fire protection, the Fire Service's viewpoint is many of these fall short of what we would consider adequate. This is why we campaign for the inclusion of sprinklers.