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Mr & Mrs Reaney
Alderlee Farm Gun Hill Road
Meerbrook
Staffordshire
ST13 8SL

Application no: SMD/2014/0819

Determined on: 02/03/2015

**Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) England) Order 2010**

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:

Halls Croft The Drive Rudyard Staffordshire ST13 8RN

Description of Development:

Erection of two detached dwellings and extension of the existing dwelling (resubmission of SMD/2014/0513)

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 following submitted plans:

RLM673/1;
RLM673/8 Rev F;
RLM673/11 Rev J;
RLM637/12 Rev E;
RLM637/13 Rev D;
RLM673/14 Rev A.

Reason:-

To ensure that the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.

3.No additional windows/doors/rooflights or other openings shall be inserted into the two storey side extension to the existing dwelling known as Hallscroft, The Drive, Rudyard.

Reason:-

In the interests of protecting neighbour amenity.

4.In respect only of the two storey side extension to the dwelling known as Hallscroft, The Drive, Rudyard (as identified on the above approved drawings), the external facing and roofing materials shall match in colour, form and texture those of the existing dwelling (Hallscroft) and there shall be no variation without the prior consent in writing of the Local Planning Authority.

Reason:-

To ensure that the works harmonise with the existing development.

5.Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no development as specified in Part 1 Class(es) A, B, C, D, E, F and/or Part 2 Class(es) B, other than those expressly authorised by this permission, shall be carried out to the dwelling known as Hallscroft and its associated domestic curtilage (as identified on approved drawing number RLM673/8 Rev F, 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 to ensure that adequate private open space is retained within the curtilage of the building.

6.No additional windows/doors/rooflights or other openings shall be inserted into either of the new build dwellings.

Reason:-

In the interests of protecting neighbour amenity.

7.Notwithstanding the above approved drawings, the development of the two new build dwellings hereby approved shall not be commenced until samples/details of the types and colours of all roof tiles, facing materials and hard surfaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved details.

Reason:-

To ensure that the external appearance of the development is satisfactory.

8.Notwithstanding the above approved drawings, the development of the two new build dwellings hereby approved shall not be commenced until all eaves, verge and chimney details have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and retained

for the lifetime of the development.

Reason:-

To ensure that the external appearance of the development is satisfactory.

9. Notwithstanding the above approved drawings, the development of the two new build dwellings hereby approved shall not be commenced until all joinery details (including cills and lintels) have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details and retained for the lifetime of the development.

Reason:-

To ensure that the external appearance of the development is satisfactory.

10. Notwithstanding the above approved drawings, the development of the two new build dwellings hereby approved shall not be commenced until details of all walls, fences and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details, be completed prior to the occupation of any of the new build dwellings and retained for the lifetime of the development.

Reason:-

To provide adequate privacy and an acceptable external appearance.

11. Notwithstanding the above approved drawings, the development of the two new build dwellings hereby approved 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 new build dwellings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and there shall be no variation of 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.

12. The development of the two new build dwellings hereby approved shall not be commenced until details have firstly been submitted to and approved in writing by the Local Planning Authority indicating the reconstruction and vertical realignment of The Drive for a minimum distance of 10m rear of its junction with the public highway onto Camrose Hill. The Drive shall thereafter be reconstructed and vertically realigned prior to any of the new build dwellings first being occupied.

Reason:-

In the interests of highway safety.

13. Neither of the new build dwellings hereby approved shall be occupied until the access, parking, servicing and turning areas have been provided in accordance with the approved plans.

Reason:-

In the interests of highway safety.

14. Demolition of the existing detached garage shall only take place between the months of October and April.

Reason:-

In the interests of protecting any protected species on the site.

15. Notwithstanding the above approved plans, the development of the new build dwellings hereby approved shall not be commenced until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning authority. The scheme shall then be implemented in accordance with the approved details before the development is first brought into use.

Reason:-

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem.

16. 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. All felling 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 and felling operations.

Reason:-

In the interests of protected species.

17. Before the commencement of development (including any demolition, site clearance, stripping or site establishment) full details of all tree protection measures shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include full construction specification for a no-dig cellular confinement system incorporating permeable surfacing for the proposed shared driveway, together with an arboricultural method statement setting out working methods and special protection measures for the avoidance of harm to existing trees on and adjacent to the application site. Such method statement and protection measures shall specifically include details and timescales to ensure that appropriate measures are implemented to protect tree roots in the vicinity of the site access and driveway from the initial outset of construction activity. Thereafter, the development shall be constructed only in full accordance with details approved under this condition.

Reason:-

In the interests of trees to be retained.

18. Before the commencement of development (including any demolition, site clearance, stripping or site establishment) temporary protective fencing and advisory notices for the protection of the existing trees 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 Tree Heritage Arboricultural Impact Assessment report THR14/45a 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 unless otherwise agreed in writing by the Local Planning Authority.

Reason:-

In the interests of trees to be retained.

19. Before the commencement of development (including any demolition, site clearance, stripping or site establishment) a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include full details of all new tree and shrub planting, giving specification for species, positions, planting sizes and numbers/densities of all new planting. The landscaping scheme so approved 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 and shrubs 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:-

In the interests of visual amenity

20. Unless prior permission has been obtained in writing from the Local Planning Authority, 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 unsocial hours.

21. 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 should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed 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 is subject to the approval in writing of the Local Planning Authority.

Reason:-

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable

risks to workers, neighbours and other offsite receptors.

22.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 should be submitted to and agreed in writing by the Local Planning Authority prior to the soils being imported onto site. The methodology should 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 validity evidence submitted to and approved in writing to by the Local Planning Authority.

Reason:-

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Informatives

1.The works conditioned above to reconstruct and vertically realign 'The Drive' involve tie in works in the highway. Please note that prior to the works taking place you require a Permit to Dig. Please contact 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)

2.The Drive is a private/unadopted road. The applicant(s)/developer(s) should satisfy themselves that they have appropriate rights to access and develop these plots and should ensure that any future purchasers have such access rights.

3.In the event that bats or bat droppings are encountered during the demolition work, all operations should be immediately ceased and advice obtained from an ecologically qualified bat specialist. Work should then continue only in accordance with the specialist advice obtained and with due reference to the law including the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981.

4. All wild birds including their nests and eggs are protected by law. It is an offence, with certain exceptions, to kill, injure or take wild birds or to take, damage, or destroy their nests or take or destroy their eggs. Site clearance and/or demolition cannot therefore take place where there are birds nesting. Typically this will be in the period mid February to mid August. As this development involves vegetation clearance and/or demolition and/or other activities which would be damaging to any nesting birds present the work should avoid the bird nesting season so far as possible. If such work is to take place in the nesting season an ecologist experienced in bird nesting habits should first be engaged to advise on and ensure that the intended work can legally take place.

5. The Council entered into pre-application discussions with the applicant to secure a revised scheme (following on from the withdrawal of application reference SMD/2014/0513), as has been submitted and consequently approved. It is therefore considered that the proposals meet the provisions of paragraphs 186-187 of the National Planning Policy Framework.

6. Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

"Any approved noise scheme and measurements should pay due regard to British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice) and the Building Regulations 2010 Document E or other appropriate guidance.

"Advice on controlling flies and light can be found in: Statutory Nuisance from Insects and Artificial Light (defra 2005) available as a free download <http://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/statnuisance.pdf>

"During any demolition and construction activities (including landscaping) the contractor shall take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.

"The control of dust and emissions from construction and demolition Best Practice Guidance, produced by the greater London councils <http://www.london.gov.uk/sites/default/files/BPGcontrolofdustandemissions.pdf>

"Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456)

"If required, contamination risk assessments shall be carried out in accordance with UK policy and with the procedural guidance relating to the contaminated land regime, and should be in accordance with Planning Policy Statement 23 and the CLR Report Series 1-12.

"Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.

"The Local Planning Authority will determine the acceptability of reports on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post development, where the applicant had prior knowledge of the contamination, the applicant is likely to be liable under Part II (a) of the Environmental Protection Act 1990 and as such become an "appropriate person". In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.

"Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this, the applicant or those acting on behalf of the applicant will be liable under part II (a) of the Environmental Protection

Act 1990 if the risks are not adequately addressed during the site redevelopment.

"During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public property and the environment are protected against noise, dust, odour and fumes.

"The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of in an appropriately licensed landfill site.

"Staffordshire Moorlands District Council is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is forwarded to the Environmental Protection Department and agreed in principle prior to site investigation works being undertaken. The Environmental Protection Department is also prepared to review draft copies of reports prior to final submission to the Planning Department in order to ensure that works undertaken are sufficient to discharge the contaminated land conditions.

Signed 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.
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. **A fee is payable to us for the discharge of condition. Please refer to our web site : www.staffs Moorlands.gov.uk for details.** 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. All other types of development have a 6 month deadline for submission of appeals. Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs. The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him 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. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.
8. 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.