STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr Andrew Dukesell
DBD Architectural Consultancy Ltd
50 Broad Street
Leek
Staffordshire
ST13 5NS

Mr Horwell
8 Woodland Avenue
Norton
Staffordshire
ST6 8ND

Application no: SMD/2016/0326

Determined on: 21/09/2016

**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:**
194, 196, 198, 198B 2 Robin Hill and New Street Biddulph Moor Staffordshire ST8 7NW

**Description of Development:**
Removal of Condition 4 (ownership and parking arrangements) attached to planning permission SMD/2015/0655: Conversion of redundant stone masons showroom/living accommodation to 3no two storey dwellings, erection of a first floor rear extension, alterations to elevations and formation of off road parking

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 02/12/2015 being the date of the original permission reference SMD/2015/0655.
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 submitted details and the details shown on the following submitted plans: PL01 site location plan and exisiting and proposed site layout plans; PL03 Plans and Elevations as proposed;

PL06 (19/07/2016) parking and amenity areas.

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

3. 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 Class(es) A, B, C, D and E, 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 ensure that adequate private open space is retained within the curtilage of the site and that there is no adverse impact on the reasonable enjoyment of nearby dwellings.

4. None of the proposed dwellings hereby approved shall at any time be separated in ownership from their respective associated parking space facilities as shown on drawing PL06, and the curtilage of the site shall not be sub-divided in any way other than as shown on the submitted site layout plan PL06.

Reason:- To ensure that adequate amenity and parking space is provided for the reasonable enjoyment and benefit of each dwelling.

5. Notwithstanding the submitted details further specification of the details of the shared amenity space, including the surface treatment and the means of enclosure/screening, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and none of the dwellings hereby approved shall be first occupied until the shared amenity space and means of enclosure have been provided in accordance with the details as approved in writing by the Local Planning Authority, and those facilities shall be retained and maintained for the life of the development.

Reason:- To ensure the provision of adequate private amenity space for future occupants.

6. Neither Unit 1 nor Unit 3 shall be brought into use until the first floor balconies have been provided with the proposed 1.8 m screen fence shown on the submitted plans. Those screen fences shall be retained and maintained for the life of the development.

Reason:- To protect the nearby dwellings from being overlooked.

7. All new stonework, including any lintels and sills, shall be of natural gritstone to match the existing stonework, and shall be faced, coursed and pointed to match the existing stonework.

Reason:- To ensure that the new stonework is in keeping with the character and appearance of the esxisitng building.

8. The proposed new window on the north elevation shall match the existing ones in that elevation in terms of design, materials and external finishes.

Reason:- To ensure that the proposed development is in keeping with the character and appearance of the existing building.

9. The development hereby permitted shall not be brought into use until details of the

parking and turning area in the plot of land opposite the building have been first submitted to and approved in writing by The Local Planning Authority. The parking and turning areas shall thereafter be provided in accordance with the approved plans and retained for the life of the development.

Reason:- In the interests of highway safety.

10. The development hereby permitted shall not be brought into use until the existing site access to the former parking area to the south of the building, which shall include the access crossing between the site and carriageway edge made redundant as a consequence of the development hereby permitted is permanently closed and the access crossing reinstated.

Reason:- To avoid a proliferation of redundant accesses, in the interests of highway safety.

11. The development hereby permitted shall not be brought into use until details of the proposed 2.4m x 10m visibility splay from the access of the adjacent dwelling no 192 New Street to the north across the frontage of the former parking area have been submitted to and approved in writing by the Local Planning Authority. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 900 mm above the adjacent carriageway level and be provided in accordance with the approved plan prior to the development being brought into use.

Reason:- To maintain adequate visibility for the adjacent property, in the interests of highway safety.

12. At the proposed new parking area opposite the building, nothing shall be placed, planted or allowed to remain within 2m of the carriageway edge that is greater than 900mm in height above the adjacent carriageway level. Anything that is greater than 900mm in height within 2m of the adjacent carriageway shall be immediately removed.

Reason:- In the interests of highway safety.

13. The development hereby permitted shall not be brought into use until the proposed new parking area rear of the public highway has been surfaced and thereafter maintained in a bound and porous material for a minimum distance of 5m back from the carriageway edge.

Reason:- In the interests of highway safety.

14. The land on which the proposed new parking area is to be provided shall at all times be retained for the sole benefit of the occupants of the proposed dwellings, and shall not be separated in ownership from those dwellings as allocated in Drawing PL06 or permitted to be used by the occupants of any other nearby dwellings.

Reason:- To ensure the provision of satisfactory parking facilities for the proposed dwellings.

15. 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 be continued 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 exists to any identified receptors, development shall

not re-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 written approval of the local planning authority. Following completion of measures identified in the approved remediation scheme in the event that contamination is discovered, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority prior to the development being first brought into use

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.

16. No top soil shall 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 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:- 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. This is considered to be a sustainable form of development and so complies with the provisions of the NPPF.

2. Rights of Way. The application documents do not acknowledge the existence of Public Footpath No 75 Biddulph Town which runs across the proposed parking area. This route may be directly affected by the proposed provision of the parking area the attention of the developer should be drawn to the existence of the path and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path. The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the right of way or its closure or diversion. For further information the applicant should be advised to read section 7 of DEFRA's Rights of Way Circular (1/09).

It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.

3. 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.

4. During any demolition and construction activities (including landscaping) the contractor should pay due regard to the Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456), and take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.

5. Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment.

6. Responsibility for safe development and secure occupancy of the site rests with the developer.

The developer may find the Carbon Trust publication 'Biomass heating: a practical guide for potential users' a useful companion when completing this form the biomass information request form. The publication can be downloaded (free registration required) from http://www.carbontrust.co.uk/publications/publicationdetail?productid=CTG012

A demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition of the existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements: http://www.hse.gov.uk/

Any approved noise scheme and measurements should pay due regard to British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice), BS4142:2014 Methods for rating and assessing industrial or commercial sound and/or 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,

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

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 and """"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.

STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

**Simon W. Baker** B.Ed MBA MIMSPA
*Chief Executive*

X B.J. Haywood

Signed by: Haywood, Ben

**On behalf of Staffordshire Moorlands District Council**

STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
*Chief Executive*

# 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.

**Simon W. Baker** B.Ed MBA MIMSPA
*Chief Executive*

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.
13.