STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

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ST13 5HE

Mrs Emma Atkinson
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Moneystone
ST10 3DX

Application no: SMD/2016/0579

Determined on: 29/11/2016

Planning (Listed Buildings and Conservation Areas) Act 1990
The Planning (Listed Buildings and Conservation Areas) Regulations 1990

GRANT OF LISTED BUILDING CONSENT

This consent does not carry any approval or consent which may be required under any enactment, order or regulation other than Section 8 of the Planning (Listed Building and Conservation Areas) Act 1990.

Location of Development:
Froghall Wharf Whiston Bank Froghall Staffordshire Moorlands ST10 2HJ

Description of Development:
Listed Building Consent for proposed alterations and addition of covered seating area to existing ground floor Cafe (A3); together with the provision of a floating pontoon seating area in adjacent canal basin with connecting walkway. Conversion and change-of-use of first floor to self-catering holiday accommodation (C1)

In pursuance of their power under the above mentioned Act, Staffordshire Moorlands District Council Planning Authority, **HEREBY GRANTS LISTED BUILDING CONSENT** for the works described above subject to the following condition(s):

1. The works hereby permitted shall be begun before the expiration of three years from the date of this consent.
Reason:- To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004 and Section 18 of the Listed Buildings Act.

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 AL01; AL02; AL10G; AL11G; AL12H; AL13A; AL14H; AL15F; AL16E; AL17A; AL19B; AL20B; AL21A and AL22A.
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. Prior to the commencement of work to install the proposed floating pontoon and

notwithstanding the submitted details and plans there shall be submitted to the Local Planning Authority for its written approval full details of the design including all fittings, materials, exact dimensions, means of fixing the pontoon and method of installation and the pontoon shall thereafter only be installed as approved in writing and thereafter so retained and maintained.
Reason: In order to ensure that the pontoon as installed either preserves or enhances the character, appearance and setting of the Listed Froghall Wharf Warehouse and the character and appearance of the Caldon Canal Conservation Area in accordance with Policy DC2 of the adopted Staffordshire Moorlands Core Strategy and the advice and guidance contained in the National Planning Policy Framework.

4. Prior to the commencement of work to construct the front elevation shelter extension there shall be submitted to the Local Planning Authority for its written approval details of the existing and proposed ground levels and details of the means of any retaining or other structural work to form the extenion's westerly elevation . The work shall thereafter be completed in accordance with the details as subsequently approved in writing by the LPA.
Reason: in the interests of the integrity of the heritage assets and the appearance of the development and proper planning.

5. No development shall take place until details or samples of all external materails and finishes to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. No development shall take place except in complete accordance with the approved details.
Reason: In the interests of the integrity of the heritage assets and the appearance of the development and proper planning.

Informatives

1. The Applicant is advised that installation of the proposed floating pontoon will require the separate formal consent of the Canal and River Trust. Please contact the Trust's Business Boating Team to discuss our requirements (please ask for Tammy Plant on 07766 512962 in the first instance).

2. Subject to the conditions attached 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 or heritage with particular consideration being given to the Listed Building of the application, the neighbouring Listed Bridge and the Conservation Area. 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 paragraphs 186-187.

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X B.J. Haywood

Signed by: Haywood, Ben

On behalf of Staffordshire Moorlands District Council

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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 may be 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 the applicant is aggrieved by the decision of the Local Planning Authority to refuse Listed Building consent for the proposed works, or to grant consent subject to conditions, he may appeal to the Secretary of State in accordance with Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act, 1990. The Secretary of State has power to allow a longer period for the giving of a notice of appeal and he will exercise his power in cases where he is satisfied that the applicant has deferred the giving of notice because negotiations with the Local Planning Authority in regard to the proposed works are in progress.

7. If Listed Building consent is refused or granted subject to conditions whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the District Council in which the land is

situated, a Listed Building purchase notice requiring that Council to purchase his interest in the land in accordance with the provision of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.

8. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.

9. If you want to appeal against your local planning authority's decision on listed building consent 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.