STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

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Application no: SMD/2016/0347

Determined on: 20/03/2017

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:
Spring Bank Livery Stables, Congleton Road, Biddulph, Staffordshire Moorlands

Description of Development:
Proposed demolition of existing stable building and erection of new 3 bedroom dwelling

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 details as submitted in the application form and submitted specifications and as shown in drawings: 00492 PL(0)02 Revision C and 00492 PL(0)03 Revision C.
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 development hereby permitted there shall be submitted for the written approval of the Local Planning Authority details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the proposed buildings. The development shall be implemented in accordance with the levels details as subsequently approved in writing by the Local Planning Authority. There shall be no variation in 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 the site and adjoining land.

4. Prior to the commencement of development details including types and colours along with samples if requested of all roofing materials, facing materials and hard surfaces shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details as subsequently approved.
Reason: To ensure that the external appearance of the development is satisfactory and appropriate to the building and the character of the rural area.

5. Prior to the commencement of development detailed plans and sections of the proposed windows and doors of the development at a scale of 1:20 together with details of the materials and proposed finishes shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details as subsequently approved.
Reason: To ensure that the external appearance of the development is satisfactory and appropriate to the building and the character of the rural area.

6. Prior to the commencement of development details of all boundary treatments and hard and soft landscaping with planting schedules shall be submitted to the Local Planning Authority for written approval and the boundary treatment and landscaping shall be completed in accordance with the design details as subsequently approved in writing by the end of the first available planting season November to March following the substantial completion of the development. Any plants which die or are lost in the first five years following the completion of the planting shall be replaced with plants of the form and size as originally planted. The planting shall thereafter be allowed to grow and be maintained for the lifetime of the development.
Reason: In the interests of the appearance of the completed development and the character and appearance of the rural area.

7. Foul and surface water shall be drained on separate systems.
Reason: To secure proper drainage and to manage the risk of flooding and pollution.

8. Prior to the commencement of development drainage plans for the disposal of

foul and surface water flows shall first have been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be implemented in accordance with the drainage details as subsequently approved in writing by the Local Planning Authority and shall be completed prior to the development being 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 and to minimise the risk of pollution.

9. The development hereby permitted shall not be brought into use until details of the 2.4mx107m to the south and 2.4mx56m to the north visibility splays have been submitted to and approved in writing by the Local Planning Authority. The visibility splay shall be provided in accordance with the approved plan prior to the development being brought into use and shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level and.
Reason: To comply with NPPF paragraph 32; to comply with SMDC Core Strategy policy DC1 and T1; in the interests of
highway safety.

10. The development hereby permitted shall not be brought into use until the parking, servicing and turning areas for the proposed dwelling have been provided in accordance with the approved plans. The parking, turning and servicing areas shall thereafter be retained unobstructed as parking, turning and servicing areas for the life of the development.
Reason: To comply with NPPF paragraph 32; to comply with SMDC Core Strategy policy DC1 and T1; in the interests of highway safety.

11. Notwithstanding any details shown on the submitted plans, the development hereby permitted shall not be brought into use until details of the parking and turning areas for the remaining stables 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: To comply with NPPF paragraph 32; to comply with SMDC Core Strategy policy DC1 and T1; in the interests of highway safety.

12. 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 Classes A; B; C; D; E; F; and G 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 safeguard the character and visual amenities of the area and to ensure that

adequate private or shared amenity space is retained within the curtilage of the building.

Informatives

1. Water Comments (United Utilities): According to our records there is a 6m easement (120/00250E) across the proposed development site. There is also a right of way leading to Whitemoor WWPS which is on the proposed development site and this should not be encroached by the development or anything occur that would affect United Utilities right to 24hr access. Under no circumstances should anything be erected, planted or stored over the easement width, nor should anything occur that may affect the integrity of the pipe or United Utilities legal right to 24hr access. I would also advise that the developer adheres to the standard conditions for works adjacent to pipelines guidance as there are water pipes crossing the site. The level of cover to the water mains and sewers must not be compromised either during or after construction.

2. A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999. Should this planning application be approved, the applicant should contact United Utilities on 03456 723 723 regarding connection to the water mains or public sewers.

3. United Utilities General comments: It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities offers a fully supported mapping service and we recommend the applicant contact our Property Searches Team on 03707 510101 to obtain maps of the site.

4. Due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

5. Supporting information:United Utilities wishes to draw attention to the following as a means to facilitate sustainable development within the region.
Site drainage: In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:
1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;

4. to a combined sewer.
The comments made by Untied Utilities regarding site drainage reflect this approach.

6. It is adivsed that there may be a public sewer located within the application site and encourage the applicant to investigate this. Please note that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If there are sewers which will come into close proximity of the works, the applicant is advised to contact Severn Trent Water to discuss the proposals and we will seek to assist with obtaining a solution which protects both the public sewer and the building.

7. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

8. Under s.109 of the Water Resources Act 1991 consent would be required from the Environment Agency for any new surface water outfall structure to the Brook whereas the Applicant may also wish to liaise with the EA for 'consent to discharge' for treated effluent to be discharged to watercourse (if ever greater than 1 cubic metre per day).

9. You are reminded of your responsibilities under the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 in respect of any protected species that may inhabit the site including bats and birds. It has been judged unlikely that protected species would be at risk as a result of this development and hence further supporting survey information has not been required prior to the determination. In the event that bats or bat droppings are encountered prior to or during the development all operations should be immediately ceased and advice obtained from an ecologically qualified bat specialist. Work should then continue only in accordance with the advice obtained. There may be a requirement for a Protected Species Licence to be obtained before the proposed development can continue. Failure to carry out the requirements in accordance with the legislation risks offences being committed which could result in legal action including prosecution.

10. 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.

11. 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 advocated within the National Planning Policy Framework at paragraphs 186-187 negotiation with the applicant and agent allowed certain amendments to the details and plans as submitted to be made prior to the determination.

X B.J. Haywood

Signed by: Ben Haywood

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 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.

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.