STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
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Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

Mr. Rob Duncan
Rob Duncan Planning
70 Ferndale Road
Lichfield
Staffordshire
WS13 7DL

C/O agent

Application no: SMD/2017/0458

Determined on: 06/11/2017

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:
The Holly Bush Inn, 118 High Lane, Brown Edge, Staffordshire Moorlands ST6 8QA

Description of Development:
Erection of 3no. detached dwellings and creation of new car park and vehicular access to serve public house

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: 1107/A1/01A
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. The development 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 buildings, 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 order to ensure the satisfactory appearance of the development and its relationship to adjoining land and properties.

4. Prior to the commencement of the house plots 1 to 3 as shown on drawing 1107/A1/01A the proposed replacement car park as shown on the same drawing shall have been constructed and made available for the use of the public house patrons. The carpark shall thereafter be maintained unobstructed for that use at all times.
Reason: In order to maintain the amenities of the public house, in the interests of good planning and in order to maintain highway safety

5. Notwithstanding condition 2 and the submitted plans and specifications prior to commencement of development, a revised hard and soft landscaping plan for the front garden areas to the property, including parking space provision shall be submitted for written approval of the Local Planning Authority and thereafter implemented to the details as approved prior to the first occupation of each dwelling and shall be maintained thereafter for the life of the development.
Reason: In the interests of the street scene and the appearance of the development.

6. Notwithstanding condition 2 and the submitted plans and specifications the layby to the front of the Public House shall be retained save for any amendment to the layout necessary to achieve at its eastern end the access to the new car park and at its western end the formation of plot 3 along with the required minimum pavement widths along the frontage.
Reason: For the avoidance of doubt; in the interests of public amenity, highway safety and good planning.

7. The development hereby permitted shall not be commenced until details of the following highway works have been submitted to and approved in writing by the Local Planning Authority:

- amendments to the existing layby;
- construction of footway of minimum width 2.1m on full site frontage of dwellings and in transition between dwellings and existing public house frontage over length of amended layby;
- individual access crossings;
- reinstatement of dropped crossing to pub car park.

The off-site highway works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.
Reason: To comply with NPPF guidance; to comply with SMDC Core Strategy Policy T1 and in the interests of highway safety. To improve pedestrian facilities.

8. The development hereby approved shall not commence 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 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 and to minimise the risk of pollution.

9. Development shall not commence until a site specific scheme for protecting the proposed residential units from noise, has been submitted to, and approved in writing by the Local Planning Authority. The submitted scheme shall have due regard for the British Standard BS8233:2014 Guidance on Sound Insulation for Buildings and be designed to achieve noise levels of less than 35 dB LAeq in bedrooms, less than 40 dBLAeq in living areas and less than 55dBLAeq in outside living areas. A report shall be produced containing all raw data and showing how calculations have been made. A copy of such report shall be submitted to the Local Planning Authority for its approval in writing.
Reason: To protect occupiers from noise and safeguard their residential amenities.

10. The development hereby approved shall not be commenced until a site risk assessment has been undertaken in accordance with a scheme to be agreed in writing with the Local Planning Authority, 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 to and approved in writing by the Local Planning Authority. If the initial 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 prepared, submitted to and approved in writing by the Local Planning Authority. Prior to bringing the development into first use, a validation report demonstrating completion of the works set out in the approved remediation strategy shall be submitted to and approved, in writing, 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

11. 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 commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed in writing 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 recommence 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 approved in writing 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.

12. 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. 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 prior to the soils being imported onto site.
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

13. Construction and Demolition works: Time of operations. 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.

14. The development hereby permitted shall not be brought into use until the individual accesses to the individual plots within the limits of the public highway have been completed.
Reason: To comply with NPPF guidance; to comply with SMDC Core Strategy Policy T1 and in the interests of highway safety.

15. The development hereby permitted shall not be brought into use until the access, parking and turning areas have been provided in accordance with the approved plans as amended by condition 5.
Reason: To comply with NPPF guidance; to comply with SMDC Core Strategy Policy T1 and in the interests of highway safety.

16. Nothing shall be placed, planted or allowed to remain within 2.4m of the carriageway edge that is greater than 600mm in height above the adjacent carriageway level. Anything that is greater than 600mm in height within 2.4m of the adjacent carriageway shall be immediately removed.
Reason: To comply with NPPF guidance; to comply with SMDC Core Strategy Policy T1 and in the interests of highway safety.

17. The development hereby permitted shall not be brought into use until the access drives rear of the public highway have been surfaced and thereafter maintained in a bound and porous material for a minimum distance of 5m back from the site boundary.
Reason: To comply with NPPF guidance; to comply with SMDC Core Strategy Policy T1 and in the interests of highway safety.

18. The development hereby permitted shall not be brought into use until any part of the existing site access, 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 as footway with full height kerb.
Reason: To comply with NPPF guidance; to comply with SMDC Core Strategy Policy T1 and in the interests of highway safety.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015, the accesses shall remain ungated at all times.
Reason: To comply with NPPF guidance; to comply with SMDC Core Strategy Policy T1 and in the interests of highway safety.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or as may subsequently be amended or re-enacted) no extensions, alterations or buildings within the site curtilage normally permitted by Classes A to E of Part 1 Schedule 2 to that Order shall be carried out unless a further planning permission has first been granted on application to the Local Planning Authority.
Reason: In the interests of residential amenity.

Informatives

1. The application has been determined in accordance with Policies: SS1; SS1a; SS2 SS4; SS6a; SD1; SD4; H1; DC1; DC2; DC3; C1; NE1 and T1 of the Core Strategy Development Plan and the NPPF.

Environmental Health

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

- 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) and the Building Regulations 2010 Document E or other appropriate guidance.
- During any demolition and construction activities (including landscaping) the contractor should 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)

Applicable for garden areas proposed:

- 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.

Highways

3. The conditions requiring highway works shall require a Works Agreement with Staffordshire County Council and the applicant is therefore requested to contact Staffordshire County Council in respect of securing the Agreement. The link below provides a link to a Works Information Pack and an application form for the Works Agreement. Please complete and send to the address indicated on the application fom 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/

4. This application requires an area of highway to be stopped up. Planning approval does not constitute permission to stop up the highway or carry out works on the highway. The applicant must contact Staffordshire County Council in order to progress an application to stop up this area of highway. Please contact Land Charges at land.charges@staffordshire.gov.uk or Staffordshire County Council at Highway Network Data Unit, Staffordshire Place 1, Wedgwood Building, Tipping Street, STAFFORD, Staffordshire, ST16 2D.H

5. It is important that no work is commenced on existing highway before stopping up is completed. It will be the applicant's responsibility to progress the stopping up application once agreement has been reached with Staffordshire County Council.

Japanese Knotweed

6. Attention is drawn to the legal requirements in respect of Japanese Knotweed which has been noted to be present on the site to the rear of the existing car park. Under the Wildlife and Countryside Act (1981) it is an offence to plant or otherwise cause the species to grow in the wild. Under the Enviromental Protection Act (1990)

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Chief Executive

Japanese Knotweed is classed as controlled waste and as such must be disposed of safely at a licensed landfill site.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

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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.