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

Sammons Architectural
10 Cawdry Buildings Fountain Street
Leek
Staffordshire Moorlands
ST13 6JP

Mr Riley
C/IO Agent

Application no: SMD/2017/0442

Determined on: 30th November 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:
Shepherds Cottage Leek Road Waterhouses Staffordshire ST10 3LQ

Description of Development:
Change of use of redundant agricultural building to holiday accommoation (re-submission of SMD/2012/0975)

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 permitted shall be carried out in accordance with the following approved plans: 2016-2182-01B; 2016-2182-04B; 2016-2182-05B; 2016-2182-06A; 2016-2182-07A; 2016-2182-08A; 2016-2182-09A; 2016-2182-10A; 2016-2182-11A

Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

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3. The holiday unit hereby permitted shall only be occupied for short stay purposes only and no other form of residential occupancy at any time. The development shall not be occupied by any one person or group of persons for a period exceeding 28 consecutive days for no more than a total of 16 weeks (112 days) in any calendar year. The development shall only be occupupied by people who have a primary residence elsewhere. The owner shall maintain a register of all guests, to include names, addresses and dates of stay for each calendar year which shall be made available for inspection by the Local Planning Authority on request.

Reason:- To define the permission and to prevent permanent residential use which would not be appropriate in this area of strict control

4. The development hereby permitted shall not be commenced until samples and specifications of types and colours of all facing materials 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.

Reason:- To ensure that the external appearance of the development is satisfactory.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, no development as specified in Part 1 Class(es) A, B, C, D, E, F, G, H and Part 2 Class(es) A, B, C 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 apperance of the area, and to ensure that adequate private open space is retained within the curtilage of the building

6. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway and the access drive rear of the public highway have been surfaced in a suitable hard material.

Reason:- To comply with NPPF psaragraph 32; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety; to safeguard the structure of the highway.

7. The development hereby approved shall not commence until either a licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010 authorising the work to proceed or notification has been received from Natural England in writing to the effect it does not consider the work will require a licence has been issued. The development shall then be carried out fully in accordance with the recommendations contained in the Bat and Bird Survey Report from Eyebright ecology dated October 2017 and drawings 2016-2182-10A and 2016-2182-11A, which shall then be maintained and retained in perpetuity.

Reason:- In the interest of nature conservation in accordance with policy NE1 of the core strategy and Chapter 11 of the NPPF

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8. Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to 08:00-18:00 Monday-Friday and 08:00-13:00 Saturdays. 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

9. 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 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 historic environment has been prepared, and approved in writing by the Local Planning Authority. Development shall thereafter take plae in accordance with the approved remediation scheme.

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 rise to workers, neighbours and other offsite receptors.

10. No top soil is to be imported to the site until it has been tested for contamination and assessed or 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 prior to the soils being imported onto site. The methodology should inlcude the sampling frequenecy, 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 by the Local Planning Authority prior to any soils being brought onto site.

Reason:- To ensure that risks from land contamination to the future users of the land and neighbouirng 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. No part of the development hereby permitted shall be occupied until the works for the disposal of foul and surface water drainage have been provided in accordance with the approved plans.

Reason:- To ensure the proper drainage of the site.

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

Reason:- To protect the general amenities present within the area

13. The development hereby permitted shall not commence until full details of both hard and soft landscaping proposals have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved plans. Details shall include means of enclosure; hard surfacing materials; planting plans; written specifications (including cultivation and other operations associated with plant and grass); Schedules of plants, noting species, planting sizes and proposed numbers; and implementation timetables

Reason:- To ensure the appropriate landscape design and in the interests of the visual and residential amenities of the area

Informative

1. The access to the site shall be constructed in accordance with Staffordshire county Council requirements. Please note that prior to the access being constructed you require Section 184 Notice of Approval from Staffordshire County Council. The link below provides a link to 'vehicle dropped crossings' which includes a 'vehicle dropped crossing information pack' and an application form for a S184 notice. Although this proposal will not require a dropped crossing as such, a S184 notice of approval is required. Please complete and send to the address indicated on the application form 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/

   The lane that gives access to this site is a green lane which forms part of the highway network but is not maintained by the Highway Authority. Any damage caused during construction or use will need to be reinstated by the developer.

   Any works within the highway will require a permit to dig.

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.

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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.