STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

Simon W. Baker B.Ed MBA MIMSPA
Chief Executive

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

Mrs Shirley
c/o Agent

Application no: SMD/2019/0304

Determined on: 28.06.2019

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:
Ridgefields Farm Leek Road Cellarhead Staffordshire ST9 0DG

Description of Development:
Application for Variation of condition 2 in regards to SMD/2019/0049

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 5TH April 2019, the date of the decision notice issued for the orginal application SMD/2019/0049.

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: 1545-21 Rev A Proposed Plans and Elevations

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

3. All external facing and roofing materials shall match in colour, form and texture those

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approved under DOC/2019/0038 and there shall be no variation without the prior consent in writing of the Local Planning Authority.

Reason:- For the avoidance of doubt and in the interests of good design

4. No development shall be carried out between March 1st and 31st August inclusive unless a check for breeding birds has been carried out by a suitably qualified ecologist. In the event that breeding birds are present no work should be carried out until the birds have finished breeding, and all dependent young have left the site.

Reason:- In the interests of protecting species from any adverse impacts un the Wildlife and Countryside Act 1981 in the interests of conserving the natural environment

5. The development shall take place incorporating the mitigation measures and in accordance with the working methods all as detailed on pages 33 to 38 in the submitted Bat and Bird Survey dated 22nd January 2019, or as stipulated by any Natural England European Protected Species (EPS) Licence, in which case work shall be implemented in accordance with the EPS Licence; in either event the works shall be implemented and retained as approved for the lifetime of the development

Reason: To safeguard the population of European Protected Species

6. The development hereby approved shall be carried out in accordance with the landscaping scheme approved under DOC/2019/0038

Reason:- In the interests of biodiversity enhancements in accordance with Policy NE1 of the Staffs Moorlands Core Strategy and Chapter 15 of the NPPF

7. The approved landscaping and planting scheme shall be implemented during the first available planting season and seeding season following the first occupation of the dwelling or the completion of development, whichever is the sooner.

Reason:- In the interests of biodiversity enhancements in accordance with Policy NE1 of the Staffs Moorlands Core Strategy and Chapter 15 of the NPPF

8. In the event that any contamination, including surface coal measures, is found at any time whilst carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. If such contamination is found to exist on site, development shall not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.

   If the initial site risk assessment indicates that potential risks exists to any identified receptors, development shall not 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 submitted to and agreed in writing by the Local Planning

Authority. Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason:- In the interests of public amenity and health.

9. The construction and demolition phase of the development hereby approved shall be carried out in full accordance with the details submitted to the Local Planning Authority to discharge Condition 8 under DOC/2019/0038.

Reason: For the avoidance of doubt and in the interests of public amenity

10. At any time during and following the completion of the development all exterior lighting installations shall be erected only in accordance with the protocols contained in the Institute of Lighting Engineers document 'Guidance for the Reduction of Obtrusive Lighting' (2005) and the Bat Conservation Trust's 'Artificial Lighting and Wildlife Interim Guidance: Recommendations to Help Minimise the Impact of Artificial Lighting' (2014).

Reason:- To minimise the disturbance by artificial light to protected species, including bats, and to minimise sky-glow across the site

11. The glazing to the windows on the northern elevation shall be obscured glass and shall be permanently retained in that condition.

Reason:- To protect privacy in line with Policy DC1 of the Core Strategy

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification), no development as specified in Schedule 2, Part 1, Classes A - G, and Part 2, Classes A and B, shall be carried out within the site without express planning permission first being obtained from the Local Planning Authority

Reason:- To enable the Local Planning Authority to control development on the site in the interests of a) protecting the openness of the Green Belt b) protecting the residential amenities of neighbouring properties and c) protecting the character and apperance of the area and d) in the interest of Highway Safety

13. All buildings shown to be demolished on Drawing Ref: 1545-21 'Proposed Plans and Elevations' shall be demolished prior to the first occuaption of the replacement dwelling hereby approved

Reason:- To ensure that the previous consent granted under SMD/2018/0555 cannot be implemented alongside this replacement dwelling, and in order to preserve the openness of the Green Belt

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Informative

1. The Council has sought (negotiated) a sustainable form of development which complies with the provisions of paragraph 38 of the NPPF.

2. Any redundant on site buildings may well have asbestos containing materials (ACM) in their fabric (e.g. asbestos roof). To ensure no future asbestos contamination, as a result of demolition a "Demolition or refurbishment asbestos survey" and risk assessment should be carried out prior to the demolition of these 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/. This is included as an advisory.

X

Signed by: JaneC

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 BControl@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.