STAFFORDSHIRE
moorlands
DISTRICT COUNCIL
ACHIEVING · EXCELLENCE

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Chief Executive

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Application no: SMD/2019/0564

Determined on: 28th April 2020

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 Homestead, John Street, Biddulph, Staffordshire, ST8 6BB

Description of Development:
Partial demolition and conversion works to provide 4 apartments within the existing building and the construction of 6 new build dwellings

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 Section 91(1) of the Town and Country Planning Act 1990 (As Amended)

2. No development, demolition, dismantling, repair or interior work shall commence anywhere on the site before the Local Planning Authority has been provided with evidence that either:
   a) a licence has been issued by Natural England pursuant to the Conservation of Habitats and Species Regulations 2017 authorising development to proceed; or
   b) a statement in writing has been issued by Natural England indicting that it does not consider that the development will require a licence; and

the Local Planning Authority has confirmed in writing that it is satisfied with that evidence.

Reason:- To ensure that the development does not cause harm to a species protected by the Conservation Habitats and Species Regulations 2017 and result in an offence.

3. The development permitted and described above shall only be carried out in complete accordance with the drawn and written details shown on plans numbered: P187-211'B' (red edge block blan); P187 – 201'A' (site plan); P187 – 204'A' (plot 4 & 5 floor plans); P187 – 205'A' (plot 4 & 5 elevations); P187 – 206'A' (plot 7 & 8 floor plans); P187-207'A' (plot 7 & 8 elevations); P187-208'A' (plot 9 & 10 floor plans); P187-209'A' (plot 9 & 10 Elevations); P187-210'B' (revised Streetscene elevations from John Street received on 20th April 2020); P187-213 (apartment 1-4 floor plans); and P187-214 'A' (revised Apartment 1-4 elevations received on 20th April 2020).

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

4. The permitted new dwellings, plots 5-10, shall only be constructed using an external facing 'Ibstock Etruria mixture' brick and 'Marley Ashmore' smooth grey roof tiles, as agreed with the applicant. Following demolition of those parts of the existing building that are to be removed, the conversion works to provide the apartments 1-4 shall be carried out and completed using only Marley Hawkins Staffordshire blue plain clay tiles to replace and repair the roof and a smooth white painted render to treat and finish external facing walls.

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

5. The existing chimney stacks on the existing Homestead building shall be retained and maintained in perpetuity as shown on the revised drawings P187-210'B' and P187-214 'A'. If at any time before, during or after the development is carried out, any of the chimney stacks become damaged, removed, or altered, either by accident, intent, or resulting from deteriorating condition, all of the chimney stacks shall be rebuilt or repaired as faithful reproductions of the existing chimney stacks to accord with the drawn and written detail shown on the the revised drawings P187-210'B' and P187-214 'A'.

Reason:- To ensure that the external appearance of the development is satisfactory and to retain and protect details of heritage and architectural merit.

6. The replacement window casement and frames to be installed in the existing Homestead building as part of the conversion works to provide the four apartments shall only be of a design, detail and specification that has first been submitted to and approved in writing by the local planning authority.

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

7. Soil and vent pipes shall be internal and shall not project above the roof line of the dwelling unless otherwise agreed in a scheme to be submitted to and approved in writing by the Local Planning Authority (LPA) prior to the commencement of such works. The development shall be carried out in accordance with the details as subsequently approved in writing by the LPA.

Reason:- In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties.

8. The ground and property finished floor levels shall be set out and completed across the site in accordance with those details shown on the site plan numbered P187 – 201'A' relative to datum point. 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 adjoining properties.

9. The proposed side elevation windows at first floor in the northern and southern elevations of the new build element of the proposal hereby approved shall be fitted with obscure glazing to level 5 (minimum) from the Pilkington range or equivalent. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or as subsequently may be amended or re-enacted) this/these window(s) shall not be re-glazed with any transparent materials or enlarged or otherwise altered, nor shall any additional door, window or other opening be formed in those elevations unless a further planning permission has first been granted on application to the Local Planning Authority.

Reason:- To protect the amenity and living conditions of the adjoining residential property from overlooking or perceived overlooking.

10. 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 additional windows or any other openings other than those shown on the approved plans shall be installed in any part of the development forming the side elevation of any dwelling, unless a further planning permission has first been granted on application to the Local Planning Authority.

Reason:- To protect the amenity and living conditions of adjacent residential property from overlooking or perceived overlooking and the visual amenities in the area.

11. 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 and Part 2 Classes A and B 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, to ensure that adequate private or shared amenity space is retained within the curtilage of the building.

12. The development hereby permitted shall not be brought into use until the access road, turning head, all parking and turning areas, and the linking footways and patios have been provided and surfaced in accordance with the drawn and written details and schedules shown on site plan numbered P187 – 201'A'. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the lifetime of the development.

Reason:- In the interests of highway safety.

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13. The development hereby permitted shall not be brought into use until those parts of the existing site accesses, between the site and the carriageway edge, that do not form part of the new development's access arrangements shall be closed and made redundant with full height kerb, and shall thereafter be reinstated and surfaced as pavement footway.

Reason:- In the interests of highway safety and to avoid a proliferation of overlong accesses.

14. The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been completed in accordance with the site plan numbered P187 – 201'A' and visibility splays of 2.4m x 35m to the west and 2.4m x 43m to the east have been provided in accordance with details to be first agreed in writing with the Local Planning Authority. The visibility splays shall thereafter kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level.

Reason:- In the interests of highway safety.

15. The planting scheme shown and detailed on the site plan numbered P187 – 201'A' shall be fully implemented before the end of the first available dormant season (November to February inclusive) following completion of the development hereby approved. The trees, shrubs and climbing plants planted in accordance with this landscaping scheme shall be properly maintained for a period of 5 years following planting. Any plants which within this period are damaged, become diseased, die, are removed or otherwise fail to establish shall be replaced during the next suitable season.

Reason:- To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

16. The existing hedges along the northern, southern and western boundaries of the application site, adjacent to Doctor's Close, Gunn Street and John Street respectively shall be permanently retained and maintained to a height of 3.5 metres when measured from the ground level at the street frontage boundary.

Reason:- To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

17. The development shall only be carried out incorporating a scheme of surface water drainage for the site that includes and is based upon:
(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water; and
(ii) An appropriately restricted rate of discharge of surface water (if the investigations discount the possibility of infiltration).
The scheme shall also accord with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

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18. At all times when the development is being carried out, unless otherwise agreed in writing by the Local Planning Authority, all noisy activities and deliveries to the site 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. In all other respects the development shall only be carried out with full observation of, and in compliance with, the terms that are set out in the 'Construction Management Plan' that was submitted with the application.

Reason: To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

19. 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 recommence 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 submitted to and 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: To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

20. No top soil is to be imported to the site until it has been tested for and is free from contamination and has 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 prior to the soils being imported onto site. 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.

Reason: To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

Informatives

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 paragraph 38 negotiation with the applicant and agent allowed certain amendments to the details and plans as submitted to be made prior to the determination.

The dropped crossing to the site shall be constructed in accordance with details to be submitted and SCC 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 dropped crossing. 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/. Those parts of the existing dropped crossings to the site shall be reinstated to footway in accordance with the submitted drawing and SCC requirements. Please note that prior to the reinstatement works taking place you require a Permit to Dig. Please contact 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) This consent will require approval under Section 7 of the Staffordshire Act 1983 and will require exemption under Section 219 - 226 of the Highways Act 1980. Please contact Staffordshire County Council to ensure that approvals and agreements are secured before commencement of works.

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 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.

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.