STAFFORDSHIRE moorlands DISTRICT COUNCIL

ACHIEVING · EXCELLENCE

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Application no: SMD/2019/0704

Determined on: 15/07/2020

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:
Black Head Inn High Street Upper Tean Staffordshire ST10 4DY

Description of Development:
Change of use of the public house (Class A4) to retail (Class A1) and ground and first floor rear and side extension: conversion of first floor to create 4 no. flats (Class C3); installation of plant and machinery; and ancillary car parking and delivery area

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 complete accordance with the submitted amended plans and specifications as follows:-

Location Plan
Amended Plan received on 15.7.20: CA-SEP-06-03 Rev I

Amended Plan received on 30.6.20: CA-SEP-06-05 Rev C
Amended Plan received on 15.7.20: CA-SEP-06-02 Rev J

Reason:-
To ensure that the development is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.

3.Before the commencement of development, details of the elevation finishing and hard-surfacing materials in terms of their type, colour and texture shall be submitted to and approved in writing by the Local Planning Authority and the approved materials shall be used in the development.
Reason:-
In the interests of the character and appearance of the Conservation Area.

4.The roofing materials for all existing and proposed buildings, including the existing pub building, shall comprise Staffordshire Blue clay tiles.
Reason:-
In the interests of the character and appearance of the Conservation Area.

5.All new and replacement windows shall comprise a white painted timber finish.
Reason:-
In the interests of the character and appearance of the Conservation Area.

6.The development shall include the installation of a minimum of one purpose-made bat roost box on or integral to a wall of the buildings being developed and positioned in accordance with the guidance specific to the product. The bat box shall be installed before the approved development is first brought into use and shall thereafter be retained.
Reason:-
to safeguard the population of European Protected Species.

7.Details of all joinery for proposed windows, doors and shopfronts, including the position of unit within the opening and materials shall be submitted to and approved in writing by the Local Planning Authority before their installation and this shall take place in exact accordance with the approved details.
Reason:-
In the interests of the character and appearance of the Conservation Area.

8.Details of all cills and lintels including their materials shall be submitted to and approved in writing by the Local Planning Authority before their installation and this shall take place in exact accordance with the approved details.
Reason:-
In the interests of the character and appearance of the Conservation Area.

9.Details of all roof eaves, verges and chimneys shall be submitted to and approved in

writing by the Local Planning Authority before the commencement of the construction of any part of the roof and these shall be applied to the development in exact accordance with the approved details.
Reason:-
In the interests of the character and appearance of the Conservation Area.

10.All rainwater goods shall be on rise-and-fall brackets, details of which shall be submitted to and approved in writing by the Local Planning Authority before being applied to the development and provided in exact accordance with the approved details. Such details shall include the materials.
Reason:-
In the interests of the character and appearance of the Conservation Area.

11. All boundary treatments adjacent to public highways shall comprise brick walls with coping stones, details of which, including materials, shall be submitted to and approved in writing by the Local Planning Authority and shall be provided in exact accordance with the approved details before the development is first brought into use.
Reason:-
In the interests of the character and appearance of the Conservation Area.

12.Details of all other boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and these shall be provided in exact accordance with the approved details before the development is first brought into use.
Reason:-
In the interests of the character and appearance of the Conservation Area.

13.Before the development is first brought into use, an enclosure shall be provided for the residents bin storage area in exact accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason:-
In the interests of the character and appearance of the Conservation Area.

14.Before the development is first brought into use, an enclosure shall be provided for the retail unit bin storage area in exact accordance with details to be submitted to and approved in writing by the Local Planning Authority. The details shall also include access to the enclosure and the approved access shall be provided unobstructed for the lifetime of the development.
Reason:-
In the interests of the character and appearance of the Conservation Area and in the interests of highway safety.

15.Three parking spaces shall be for the sole use of the occupants of the apartments hereby approved and signs or markings shall be provided in the car park to notify users of this before the apartments hereby permitted are first occupied.

Reason:-
In the interests of ensuring adequate parking provison in the interests of highway safety.

16.No phase of the development hereby permitted shall take place until a Demolition and Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-
i. the hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;
ii. the arrangements for prior notification to the occupiers of potentially affected properties;
iii. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
iv. a scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The approved dust suppression measures shall be maintained in a fully functional condition for the duration of the construction phase;
v. a scheme for recycling/disposal of waste resulting from the construction works;
vi. the parking of vehicles of site operatives and visitors;
vii. the loading and unloading of plant and materials;
viii. the storage of plant and materials used in constructing the development;
ix. details of measures to protect the public footpaths and amenity of users of the pubic footpaths crossing the site during the construction works.
x. During construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary.
No development shall take place except in complete accordance with the approved Method Statement
Reason: To protect the amenities of the area.

17.No development approved by this planning permission shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, property (existing or proposed including buildings, crops, livestock, pets, woodland, service lines and pipes; buildings), adjoining land and ground and surface waters has been submitted to and approved in writing by the Local Planning Authority. The scheme must include:
a. A site investigation scheme, based on the information already provided to support a detailed assessment of risks to all receptors that may be affected, including those off site.
b. The results of the site investigation and the detailed risk assessment referred to in (a) and, based on these, an options appraisal and A remediation strategy giving full details of remediation objectives and remediation criteria
c. A validation plan providing details of the data that will be collected in order to demonstrate that the all works set out in (a) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for

contingency action.
d. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
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.

18.Prior to bringing the development into first use, a validation report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved validation plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the validation plan, and for the reporting of this to 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.

19.In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 17 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of that condition. Following completion of measures identified in the approved remediation scheme and prior to bringing the development into first use, a verification report must be produced in accordance with condition 18
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 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 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.

21. Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment.
Reason: -
To protect the amenities of the area.

22.The artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance at the adjoining light sensitive locations when the light (s) is (are) in operation. Details of all artificial lighting to be installed under this permission shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing.
Reason: -
To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.

23. There shall be no deliveries (with the exception of newspaper deliveries) between the hours of 21.00 hours and 07.00 hours Monday to Saturday inclusive, and not between the hours of 21.00 hours and 10.00 hours on Sundays and Public or Bank Holidays.
Reason:-
To safeguard the amenity of neighbouring residential occupiers.

24. Notwithstanding the description of development before the use of the retail unit hereby permitted commences, details of the locations and appearance of all plant and machinery installed external to any building or attached to any part of an external wall or roof (including elevational drawings) shall be submitted to and approved by the Local Planning Authority in writing and the approved plant and machinery shall be installed in exact accordance with the approved details and shall not be re-positioned for the lifetime of the development.
Reason:-
In the interests of protecting the residential amenities of the area from noise and disturbance.

25. Any external plant and machinery shall be enclosed by brick walls in exact accordance with details to be submitted to and approved by the Local Planning Authority in writing and shall be constructed before the installation of the plant and machinery.
Reason:-
In the interests of the character and appearance of the Conservation Area.

26. (i) Before the installation of any plant and machinery, a site specific noise assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall include the acoustic specification details, noise impacts and location of any plant or machinery to be installed under this permission. The assessment shall be undertaken in compliance with BS41424:2014.

(ii) The machinery, plant or equipment including installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [15 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014. The plant and machinery shall be installed in exact accordance with the approved details and no other plant or machinery shall be installed at the site unless approved in writing by the Local Planning Authority.
Reason:-
To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.

27. The development and/or conversion to provide apartments 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 55dB LAeq 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 and approved in writing prior to the first occupation of the apartments.
Reason:-
To protect occupiers from noise and safeguard their residential amenities.

28. The shop shall not be open to customers outside the hours of 0600 - 2300 hours on any day.
Reason: To protect occupiers from noise and safeguard their residential amenities.

29.Prior to the first use of the development the parking area shall be provided in a bound material with the individual bays clearly delineated and shall thereafter be retained for the life of the development, unobstructed, as per the approved plan.
Reason:-
In the interests of highway safety.

30.Prior to the first use of the development, a footway with a minimum 1.8m wide shall be

provided along the red edge on High Street, as shown on the location plan, in exact accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason:-
In the interests of highway safety.

31.Prior to first use of the development, the existing vehicle access point on High Street to the east of the public house building shall be permanently closed off in exact accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason:-
In the interests of highway safety.

32.Prior to first use of the development the existing vehicle access point on New Road shall be amended in exact accordance with the site plan hereby approved.
Reason:-
In the interests of highway safety.

33.Prior to first use of the development, secure cycle parking facilities for shop customers and secure cycle storage facilities for the occupants of the apartments shall be provided in exact accordance with details to be submitted to and approved in writing by the Local Planning Authority. The cycle parking and storage facilities shall thereafter be provided and retained for the life of the development.
Reason:-
In the interests of highway safety.

Informatives

1. The Council has sought (negotiated) a sustainable form of development which complies with the provisions of paragraphs 186-187 of the NPPF.

2. The conditions requiring off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to (nmu@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.
https://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx

3. 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. As a result of the survey information submitted it has been judged unlikely that protected bat species would be at risk as a result

of this development. In the unlikely 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.

4. The applicant is advised that no plant and machinery shall be installed to the west of the development hereby approved due to the nearby presence of dwellings.

5. 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 the Professional Guidance on Planning and Noise (ProPG), British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice), BS4142:2014 Methods for rating and assessing industrial or commercial sound and/or the Building Regulations 2010 Document E or other appropriate guidance

"" Advice on controlling flies and light can be found in: Statutory Nuisance from Insects and Artificial Light (defra 2005) available as a free download http://archive.defra.gov.uk/environment/quality/local/legislation/cnea/documents/statnuisance.pdf

"" During any demolition and construction activities (including landscaping) the contractor shall 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)

"" 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.

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

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.
13.