STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Jonathan Hargreaves
Epoch Architecture Ltd
22 Plover Drive
Stoke-on-Trent
ST8 7UJ

Mr Garcha
7 Smithy Lane
Biddulph
Staffordshire
ST8 7ET

Application no: SMD/2020/0049

Determined on: 13/11/2020

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:
171 Biddulph Arms Congleton Road Biddulph Staffordshire ST8 6QJ

Description of Development:
Conversion of existing public house to 8no. residential units and conversion of existing outbuilding to 1no. residential unit. including associated access, refuse storage and landscaping works.

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 92 of the Town and Country Planning Act 1990 (As Amended).

2. The development hereby approved shall be carried out in complete accordance with the submitted amended plans and specifications as follows:-

224 LP
223D PBP
214 A PE S1

215A PE S2
216A PE S3
217A PE S4
218 CHPFP
219A PCH PE
211 Rev B received 11.11.20
212A
213A
220A ESP

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 development is first brought into use, the pedestrian route shown in drawing 223D shall be provided and marked out and shall remain in place, unobstructed for the lifetime of the development and shall be available for the unrestricted use of the general public and accessible from Congleton Road and Halls Road at all times. The entire pedestrian route shall also be accessible to wheelchair users and for push-chairs and there shall be no steps anywhere within the route or either of its entrances.
Reason:-
In the interests of highway safety.

4. Before the development is first brought into use, a wall with pedestrian entrance shall be provided adjacent to Halls Road in exact accordance with details, which shall include building materials, to be submitted to and approved in writing, by the Local Planning Authority.
Reason:-
In the interests of the appearance of the area and in the interests of highway safety.

5. If any part of the existing hedge on the north-west side boundary of the site is removed, dies, or becomes diseased it shall be replaced during the next available planting season and the replacements themselves shall then be properly maintained.
Reason:-
In the interests of the appearance of the area.

6. 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 shall be installed in any part of the development, without prior written consent from the District Council as 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.

7. 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 further development as specified in Part 1 Class(es) AA, A to H or Part 2 Class(es) A to C or Part 16 or Part 20 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 and to protect the residential amenities of neighbouring residents.

8. The parking spaces shall be marked out and allocated to each of the units of accommodation provided (including clearly numbering spaces) before the development is first brought into use and shall remain marked out, numbered and allocated for the lifetime of the development.
Reason:-
In the interests of highway safety.

9.All the external windows installed as part of the development shall have no external flashing or external trims.
Reason:-
In the interests of the character and appearance of the site.

10.The application site shall provide no more than nine units of accommodation and the use of ""Unit 4"" as shown on the plans shall be restricted to the sole use of storage purposes for the landowner for the lifetime of the development and no part of this unit shall be sold, let or otherwise occupied or used as a unit of residential accommodation or any other residential purposes.
Reason:-
Any additional units of accommodation above the amount approved would lead to the requirement to provide affordable units of accommodation as set out in Policy H3 of the Local Plan (adopted September 2020) and none have been provided as part of this proposal.

11.Before the development is first brought into use, ecology mitigation and enhancement measures shall be carried out in accordance with Section 5 of the Absolute Ecology Activity Survey for Bats Report Amended November 2020.
Reason:-
In the interests of the ecological value of the site.

12.Before the development is first brought into use, bird nesting features shall be installed at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved features shall be retained for the lifetime of the development.
Reason:-

In the interests of the ecological value of the site.

13.Before works to the second floor of the building commence, a Bat Mitigation Method Statement shall be submitted to and approved in writing by the Local Planning Authority and this shall be implemented in exact accordance with the approved details.
Reason:-
In the interests of the ecological value of the site.

14.The existing loft area of the second floor of the building shall not be used as habitable floorspace and shall be retained for the purposes of providing a bat roost and with a bat entry point retained for the lifetime of the development.
Reason:-
In the interests of the ecological value of the site.

15.The bin storage area shown on the approved plans shall be provided before the development is first brought into use in exact accordance with the approved drawings and also further details of the design and appearance of the bin storage area which shall first be submitted to and approved in writing by the Local Planning Authority.
Reason:-
In the interests of the appearance of the site.

16.Before the insertion of any new windows, details of all new external windows, external doors and fanlights shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be fully implemented before the development is first brought into use.
Reason:-
In the interests of the appearance of the building.

17.Details of vents and ducts, rainwater goods and site boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented before the development is first brought into use.
Reason:-
In the interests of the appearance of the building.

18.Within 2 months of the commencement of development a comprehensive landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include full details of all hard and soft landscape proposals including hard surfacing, constructed beds, seating, new trees, shrubs and any other planting, giving specification for species, positions, planting sizes and numbers/densities of all new planting. The landscaping scheme shall include confirmation of the responsibility for and means of provision of the on-going maintenance of the proposed garden area to the north-east of the main building. The landscaping scheme so approved 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 and shrubs etc 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:-
In the interests of the appearance of the site.

19.The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plans. The parking and turning areas shall thereafter be retained unobstructed as parking and turning areas for the life of the development.
Reason:-
In the interests of highway safety.

20.The development hereby permitted shall not be brought into use until the vehicular access onto Halls Road is permanently closed but with the provision of the pedestrian access as shown in drawing P183 223 D.
Reason:-
In the interests of highway safety.

21.The submitted Epoch Architecture Construction Management Plan dated 24.9.20 shall be adhered to throughout the duration of construction works. Details of the site manager and a construction site plan shall be submitted to and approved in writing by the Local Planning Authority within 1 week of commencement of development.
Reason:-
In the interests of the residential amenities of the area.

22.The measures outlined in part 1.8.1. of the submitted Peak Acoustics Noise Assessment Report shall be provided/implemented before the development is first brought into use.
Reason:-
In the interests of the residential amenities of the area.

23.. 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.

24. 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 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 approved 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:-
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.

25. 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.

26.. 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 by the Local Planning Authority prior to installation.
Reason:-
To protect the local amenities of the local residents by reason of excess of illuminance

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. Works to the Halls Road access will likely require traffic management on the highway. This will require approval from SCC Network Management. Details are available at http://www.staffordshire.gov.uk/transport/staffshighways/licences/Licences.aspx
The developer should contact Network Management as early as possible to ensure road space can be booked and works programmed on the highway. The developer should allow

adequate time for processing of the application.

3.The pedestrian route shown on drawing P183 223 D is not dimensioned. To comply with recommendations in 'Inclusive Mobility' it should ideally be a minimum of 1.5m wide.

4.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 foul drainage system should meet the British Standard 6297:2007+A1:2008: Code of practice for the design and installation of drainage fields for use in wastewater treatment http://www.bsigroup.com

"" Any approved noise scheme and measurements should pay due regard to British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice), BS4142:2014 Methods for rating and assessing industrial or commercial sound, ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise New Residential Development 2017 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

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. 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

10. 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.

11. 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.

1.