STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Mr Bruce Johnson
Smytheman Architectural Services
High Street
Stoke-on-Trent
Staffs
ST10 4DZ

Mr & Mrs Finlayson
1 Cresswell Old Lane
Cresswell
Staffordshire
ST11 9RF

Application no: SMD/2020/0595

Determined on: 22nd December 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:
1 Cresswell Old Lane, Cresswell, Staffordshire, ST11 9RF

Description of Development:
Variation of condition 4 in relation to SMD/2019/0369

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:
   - LF03-SA-XX-ZZ-DR-A-0201 Rev P0.4
   - LF03-SA-XX-ZZ-DR-A-0202 Rev P0.3
   Reason:- For the avoidance of doubt and in the interests of proper planning, in accordance with the National Planning Policy Framework.

3. The development hereby approved shall be constructed of those materials outlined on drawing number LF03-SA-XX-XX-DR-A-0102 submitted with application DOC/2020/0086. Development shall be carried out in accordance with the approved details, unless alternative materials are first agreed in writing with the Local Planning Authority.

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

4. Prior to the installation of any windows or doors, specifcations and maufacturers details of the design, colour and materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

5. The development hereby approved shall be constructed using the rooflights outlined on drawing number LF03-SA-XX-XX-DR-A-0102 submitted with application DOC/2020/0086. Development shall be carried out in accordance with the approved details and shall be permanently so maintained, unless alternative rooflights are first agreed in writing with the Local Planning Authority.

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

6. Prior to the installation of any eaves, verges and rainwater goods, details of the eaves, verges and rainwater goods, including colour and materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and shall be permanently so maintained.

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

7. Prior to the first occupation of the development hereby permitted full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
   - Means of enclosure
   - Hard surfacing materials

   Soft landscape details shall include:
   - Planting plans
   - Written specifications (including cultivation and other operations associated with plant and grass establishment)
   - Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate
   - Implementation timetables

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

8. The landscape scheme shall be implemented in accordance with the approved timetable and details and shall subsequently properly maintained in accordance with good horticultural practice; any plants which are removed, die, become diseased or otherwise fail to establish within 5 years of planting shall be replaced during the next available planting season and the replacements themselves shall then be properly maintained.

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

9. The development hereby approved shall be constructed using the boundary treatments outlined on drawing number LF03-SA-XX-XX-DR-A-0102 submitted with application DOC/2020/0086, unless an alternative scheme is first agreed in writing with the Local Planning Authority. The approved scheme of boundary treatment shall be completed before the dwelling hereby permitted is occupied or in accordance with a timetable agreed in writing with the Local Planning Authority.

   Reason:- In the interests of residential amenity and the appearance of the area.

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 hereby permitted unless a further planning permission has first been granted on application to 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.

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 Schedule 2, Part 1, Classes A, B, C, D, E, F, G and H shall be carried out within the site unless a further planning permission has first been granted on application to 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 ensure that adequate private open space is retained within the curtilage of the building.

12. Before the proposed development is brought into use, the gate to the site from the

public highway shall be removed or reconfigured to ensure the gate cannot open towards the highway in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The access shall thereafter remain ungated or with gates configured to ensure they cannot open towards the highway for the life of the development

Reason:- To comply with NPPF Paragraph 108; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety. To avoid the risk of obstruction of the highway; in the interests of the free flow of passing traffic.

13. The development hereby permitted shall not be brought into use until the access drive rear of the public highway has been surfaced and thereafter maintained in a bound and porous material for a minimum distance of 5m back from the site boundary in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be surfaced in accordance with the approved details

Reason:- To comply with NPPF Paragraph 108; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety. To avoid the risk of obstruction of the highway; in the interests of the free flow of passing traffic.

14. The development hereby permitted shall not be brought into use until the parking bays have been provided in accordance with the approved plans. The parking bays shall thereafter be retained unobstructed for parking of vehicles for the life of the development.

Reason:- To comply with NPPF Paragraph 108; to comply with SMDC Core Strategy Policy DC1; in the interests of highway safety. To avoid the risk of obstruction of the highway; in the interests of the free flow of passing traffic.

15. The development hereby approved shall be undertaken strictly in accordance with the Recommendations (Section 5) of the Bat Activity Survey Report produced by Elite Ecology (dated June 2019). A short statement of compliance written by the project ecologist shall be submitted to and approved by the Local Planning Authority upon completion of works.

Reason:- To safeguard and enhance the ecology of the area.

16. 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.

17. The foul drainage from the proposed development shall be discharged to a system which meets the requirements of British Standard (BS) 6297:2007+A1:2008 and which complies with the following requirements:
a) There shall be no connection to any watercourse or land drainage system and no part of the soak away system shall be situated within 10 metres of any ditch or watercourse.
b) Prior to the installation of the drainage porosity tests shall be carried out and the results submitted to and approved in writing by the Local Planning Authority to demonstrate suitable subsoil and adequate land area is available for the proposed drainage system.

Reason: To prevent pollution of the water environment.

18. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. If there are multiple tankages, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses shall be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent pollution of the water environment.

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. If after consultation with the Local Planning Authority the contamination is considered to pose a possible risk, to human health, buildings and other property and the natural and historical environment (receptors), development shall not commence further until a site investigation and risk assessment has been completed in accordance with a scheme to be agreed in writing by the Local Planning Authority. If the contamination investigation and risk assessment indicates that potential risks exists to 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 the receptors has been prepared, submitted to and approved in

writing by the Local Planning Authority. Development shall be completed in accordance with the approved remediation scheme.

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. Prior to bringing the development into first use, all soils that are intended to be used for the proposed garden/ soft landscaping areas shall be tested for contamination and assessed for their suitability for the proposed use. Prior to sampling, a suitable methodology for testing the soil shall be submitted to and agreed in writing by the Local Planning Authority and shall include the sampling frequency, testing schedules, and criteria against which the analytical results will be assessed. The results of the soil tests shall be submitted and approved in writing by the Local Planning Authority. If soil results indicates that a potential risks exists, development shall not be brought into use until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been prepared 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 produced, 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.

Informative

1. This is considered to be a sustainable form of development and so complies with the provisions of the NPPF.

   The Local Planning Authority (LPA), in reaching this decision, has followed the guidance in Paragraph 38 of the National Planning Policy Framework. The Framework advises that the LPA should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

2. 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

• 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.

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• 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

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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.