STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Ramshorn Estates Ltd
PO Box 8197
Ashbourne
DE6 9DJ

Application no: SMD/2020/0238

Determined on: 1st March 2021

**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 Ramshorn Estate, Ramshorn Road, Oakamoor, Staffordshire, ST10 3BZ

**Description of Development:**
Erection of 6 self-catering holiday lodges with the provision of parking and associated 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 Section 91(1) of the Town and Country Planning Act 1990 (As Amended)

2. The development permitted and described above shall only be carried out in accordance with the drawings nubmered 2017-10-10 'D', 2017-10-11 'D', 2017-10-16 'D', and 2017-10-16 'D', that were submitted with the application; and, the revised drawings numbered 2017-10-03 'I'; 2017-10-04 'C'; 2017-10-12 'B'; 2017-10-13 'B'; and 2017-10-15 'B' that were received on the 10th November 2020.

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

3. The construction of the lodges shall only be carried out and finished using external facing cedar or kiln dried boarding and natural roofing slates to match those of the existing lodges on the adjacent land. Those facing and roofing materials shall thereafter be retained and maintained without variation througout the life of the development, unless otherwise

agreed in writing by the Local Planning Authority.

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

4. The windows and doors to be installed in the development shall be timber that is stained or treated in a colour that matches those of the existing lodges on adajcent land, and they shall be installed with a set back of a minimum of 100mm from the edge of the facing elevation that surrounds the window or door opening, unless otherwise agreed in writing by the Local Planning Authority. The windows and doors shall be retained and maintained in accordance with these details througout the life of the development.

Reason:- To ensure that the development is of a design sympathetic to the locality.

5. The holiday lodges (Plots 9-14) shall not be considered to be dwellinghouses for the purposes of the Town and Country Planning (General Permitted Development) Order 2021 (or any order revoking and re-enacting that order with or without modification), but notwithstanding the terms of that order, no development as specified in the order's Part 1 Class(es) A, AA, B, C, D, E, F, G and H and/or Part 2 Class(es) A, B, and C and/or Part 20, 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, and to ensure that adequate private open space is retained within the curtilage of the building.

6. The holiday lodges permitted, and identified on plan as plots 9-14, shall only be occupied or used by persons who are on holiday and normally or mainly reside elsewhere. No one period of occupation by any occupant(s) shall last longer or exceed more than 4 consecutive weeks at a time and there shall be no return within 2 months.

Reason:- In order to ensure proper control of the use of the holiday unit(s) and to prevent the establishment of permanent residency.

7. The first action on commencement of development, prior to any further action (including any further site clearance, site stripping, or site establishment shall be the erection of temporary tree protection barriers, temporary ground protection measures and advisory notices for the protection of the existing trees to be retained, in accordance with guidance in British Standard 5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*, and as set out in the Thompson Tree Services Stages 1 and 2 arboricultural report (Tree Schedule/Tree Constraints Plan/Arboricultural Impact Assessment) dated October 2020 submitted in support of the application hereby approved, and these shall be retained in position for the duration of the period that development takes place, unless otherwise agreed in writing by the Local Planning Authority. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires unless otherwise agreed in writing by the Local Planning Authority

Reason:- Because the development would take place within a protected woodland.

8. The development hereby permitted shall be constructed only in full accordance with the Thompson Tree Services Stage 3 arboricultural report (Tree Protection Plan/Arboricultural Method Statement) dated October 2020 submitted in support of the application hereby approved, and this shall include provision of on-going professional arboricultural supervision and advice during the period that development takes place.

Reason:- Because the development would take place within a protected woodland.

9. Within 2 months of the commencement of development (including any further site clearance, site stripping and site establishment) a comprehensive landscaping scheme shall be submitted to the Local Planning Authority for approval. Such a scheme shall in particular make provision for on-plot structural planting based on suitable native trees and shrubs to reinforce the woodland setting and to enhance biodiversity and encourage wildlife, together with a scheme of native woodland understorey and supplementary planting using suitable native species to strengthen the screening of key areas of the wider site to the south of the new lodges hereby approved. The submitted landscaping scheme shall include full details of all proposed new trees, shrubs and other planting, giving specification for species, positions, planting sizes and numbers/densities of all new planting. The landscaping scheme once approved in writing 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 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 protect and enhance the woodland environment and biodiversity.

10. Before any mature tree is pruned or felled as a result of the development it must be surveyed for potential bat roosting features, and/or active birds' nests if the work is to be carried out in the bird breeding season. A survey is best completed in the winter months when there are no leaves on the tree and all features can be seen. A survey may include an ecologist climbing the tree and investigating holes, cracks and wounds with an endoscope (under licence) and the results shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard protected species.

11. The development works shall only be carried out in accordance with the protocols set out at G3 'General' of the WDEC Ecological Appraisal Report that was submitted with the application. In accordance with this, the developer shall ensure that:
1) A precautionary approach shall generally be followed to the works on site during any period in which any habitats are to be impacted in any form.
2) A tool box directive shall be given to the workforce working upon the site, instructing them of what to do if protected or priority wildlife is discovered and what their legal responsibilities are.

3) A watching brief shall be kept at the site by site management and a strategy put in place in case protected or priority wildlife is discovered and/or injured within the site.

4) Should any active birds' nests or bat roosts be discovered during the works or it is believed that protected species are present within the site, **work must cease immediately** and an appropriately licensed ecologist be engaged to assess the situation, give advice and act accordingly, before any works continue.

5) Consideration must be given to the fact that work scheduling may be affected should wildlife be discovered in this way. It is always judicious to search a site thoroughly before any works, at any time of year, for the presence of wildlife.

Reason: To protect the biodiversity of the woodland.

12. The development permitted and described above shall not commence or be carried out until the developer has submitted to the local planning authority, and they have confirmed in writing that they are satisfied with, documentation that confirms that: Natural England have granted licences relevant to works affecting Great Crested Newts and Badgers, permitting works to be undertaken legally; or that such licenses are not required or necessary.

Reason: Certain works affecting protected species is an offence and must be carried out with a license.

13. Before any site work whatsoever (including any site clearance, stripping or site establishment) begins a programme of mitigation shall be submitted to and approved in writing by the Local Planning Authority setting out measures by which it will be ensured that any risk of threat to reptiles is minimised through the period of site preparation and construction. The programme of measures shall be supported by survey data from the site compiled in advance of any site work in accordance with the methods detailed in the Herpetofauna Workers' Manual (Gent and Gibson 1998) and the mitigation measures shall be implemented in the sequence and form approved by the Local Planning Authority.

Reason:- In the interests of biodiversity and safeguarding reptiles.

14. The development permitted shall not be brought into use until a scheme and system of foul and surface water drainage and treatment, including the provision of any pumping station and water treatment tank, has been installed and fitted in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Such details shall comply with or provide in particular for the matters specified below, these matters specified are:-

a) the envisaged effect of the development on all existing watercourses and ditches on or within proximity of the site, and, a scheme of works or protective measures in respect of such existing water courses and ditches and the timing of these works
b) that all foul drainage shall be directed to a foul sewerage system and all surface water drainage to a surface water sewerage system, unless otherwise agreed by the Local Planning Authority in writing.
c) that surface or foul water shall not discharge to any ditch or watercourse
d) that surface water shall not discharge to the main sewer system.
e) that there shall be no discharge of foul or contaminated drainage from the site into either

groundwater or any surface waters, whether direct or via soakaways

Reason:- To prevent pollution of the water environment.

15. The 'second' service access to the east of the existing main access shall remain only as an access for staff and services. At no time shall the access be used by guests of the lodges, an appropriate sign warning of this arrangement shall be erected and retained at the entance to the access throughout the life of the development.

Reason: in the interests of highway safety.

**Informative**

It should be noted that the site lies wholly within the extent of Woodland W1 protected under Tree Preservation Order No. SM.105, and this protection extends to all trees of whatever species, age and size. Other than where **directly** required to implement the development hereby approved, the planning permission hereby granted does not authorise any work to trees. Separate specific application to and grant of consent by the local planning authority under the TPO would first be required for any such work, other than where specified as exempt under the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

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. Additional information relative to the development's impact on trees, were submitted by the agent on request in accordance with the principles of negotiation and amendment as advocated in the National Planning Policy Framework paragraph 38.

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.