STAFFORDSHIRE moorlands DISTRICT COUNCIL

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C/o Agent

Application no: SMD/2020/0261

Determined on: 11/05/2021

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:
Land To The East Of Ross Road Whiston Staffordshire

Description of Development:
Proposed construction of basement, and reconstruction of Whiston Eaves Stable Block and an associated open sided haybarn, and their use as a single family dwelling, an associated holiday cottage and ancillary storage.
New application for previously approved application SMD/2012/1192

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, including the finishing materials and elevational detailing, shall be carried out and maintained in exact accordance with the following approved plans:

00484 - PL(0)01
00484 - PL(0)02
00484 - PL(0)03
00484 - PL(0)04
00484 - PL(0)05
00484 - PL(0)06
00484 - PL(0)07
00484 - PL(0)08
00484 - Conservation Roof Window
00484 - Rebuild Methodology
00484 - Roof Ventilator
00484 - Rainwater Goods
00484 - Stove Flue

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

3. Before the building hereby approved is first occupied, the access works and materials approved under SMD 2016 0806 shall be removed from the application site and the land within the red line approved under SMD 2016 0806 shall be re-instated and a hedgerow shall be planted alongside Ross Road accross the site access approved under SMD 2016 0806 in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such details shall include planting species, sizes and densities.
Reason:-
In the interests of the rural appearance of the area.

4.The implemented hedge planting required under Condition 3 shall be 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:-
In the interests of the rural appearance of the area.

5.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.

6. No development, including demolition hereby permitted shall take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method statement shall include the following details:-

I. A scheme to minimise dust emissions arising from demolition/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.
II. Details of wheel washing facilities. All demolition/construction vehicles shall have their wheels cleaned before leaving the site;
III. a scheme for recycling/disposal of waste resulting from the demolition/construction works;
IV. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;

Once approved, all relevant activities on the site shall be carried out in accordance with Construction and Environmental Method Statement throughout the course of the development. Any alteration to this Statement shall be approved in writing by the Local Planning Authority.
Reason:-
To protect the amenities of the area from dust

7.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.

8. 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 agreed 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.

9.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 should 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 to and approved in writing by the Local Planning Authority. If soil results indicates that a potential risks exists, development shall not recommence until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in complete accordance with the approved 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.

10. 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 in connection with 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

11.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 Code of practice for the design and installation of drainage fields for use in wastewater treatment
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) Porosity tests shall be carried out to demonstrate that suitable subsoil and adequate land area is available and the results shall be submitted to and approved in writing by the Local Planning Authority.
Reason:-
To prevent pollution of the water environment.

12. The development hereby permitted shall not be brought into use until the access drive rear of the public highway has been surfaced in a bound material for a minimum distance of

5m back from the carriageway edge in accordance with the approved plans.The surfacing shall thereafter be maintained
Reason:-
In the interests of highway safety.

13. Any gates shall be located a minimum of 5m rear of the carriageway edge and shall open away from the highway.
Reason:-
In the interests of highway safety.

14.The development hereby permitted shall not be brought into use until the access to the site within the limits of the public highway has been completed.
Reason:-
In the interests of highway safety.

15.The development hereby permitted shall not be brought into use until the existing site access approved under SMD/2016/0806, which shall include the access crossing between the site and carriageway edge made redundant as a consequence of the development hereby permitted is permanently closed and the access crossing reinstated as verge in accordance with the submitted drawing 00484 PL(0)08 A with the addition of the verge being also topsoiled and turfed at the redundant access crossing and as far as the proposed access. The development hereby permitted shall not be commenced until details of the following highway works have been submitted to and approved in writing by the Local Planning Authority:
- road gully on opposite side of Ross Road including outfall connection and reinstatement of carriageway
including stepped tie ins into carriageway layers;
- confirmation of approval from water authority to outfall into combined sewer;
- detail of tie in to existing carriageway at new access;
The highway works shall thereafter be constructed in accordance with the approved details prior to the development being first brought into use.
Reason:-
In the interests of highway safety.

16.All pointing shall be of a strength and style appropriate to the type of walling material used (see Council leaflet on pointing) and shall not include 'tuck', 'strap' or 'recessed' pointing. A sample panel, at least one square metre, shall be completed on site and shall be inspected and approved in writing by the Local Planning Authority before development commences and shall remain on site during the period of reconstruction.
Reason:-
To maintain the character and integrity of the building.

17.Before any further development above the existing ground levels of the site, full details of the extent of the re-use of materials from the demolished building (SM98-0282 LB) sshall be

submitted to and approved in writing by the Local Planning Authority. Where additional materials are required to complete the reconstruction samples shall first ber submitted ot and approved in writing by the Local Planning Auhtority. The development shall be carried out strictly in accordance with the approved details
Reason:- To maintain the character and integrity of the building.

18.The holiday let unit shown on the drawings hereby approved shall not be occupied by any person(s) for a period of longer than one calendar month and no person(s) who has occupied the unit shall occupy it again at any time within one month of the day of the last occupation of the unit. The unit shall not be sold, let or otherwise occupied as a permanent or main residence by any person or persons.
Reason:-
In order to prevent the use of the holiday let unit as a permanent unit of accommodation/dwelling which would be harmful to the character of the rural area.

19. The planting in the landscaping scheme shown on the approved drawings shall be 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 and residential amenities of the area.

20. 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 visual amenities in the area.

21.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, Part 2 Class(es) A to C or Part 20 shall be undertaken 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.

Informatives

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

2.The 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/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx
As works have commenced, application should be submitted immediately.

3.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 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.