STAFFORDSHIRE moorlands DISTRICT COUNCIL

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Application no: SMD/2020/0413

Determined on: 22/06/2021

Town and Country Planning Act 1990
Town and Country Planning (Development Management Procedure) (England) Order 2015

GRANT OF OUTLINE PLANNING PERMISSION

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 Miners Rest 158 Froghall Road Cheadle Staffordshire ST10 2DN

Description of Development:
Outline permission with all matters reserved for the redevelopment of former public house and associated car parking to eight residential houses

In pursuance of their power under the above mentioned Act, Staffordshire Moorlands District Council Planning Authority, **HEREBY GRANT OUTLINE PLANNING PERMISSION** for the works described above subject to the following condition(s):

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

   Reason:- To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (As Amended)

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

   Reason:- To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.

3. Approval of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "The Reserved Matters") shall be obtained from the Local Planning Authority, before any development is commenced.

Reason:- The application is in outline only and not accompanied by detailed plans.

4. The development hereby permitted shall be carried out in accordance with the following approved plans:
   - 01 – Existing Site Layout
   - 11 – Existing Conditions

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

5. The development hereby permitted shall not be commenced (with the exception of demolition) until details of the existing and proposed levels across the site and relative to adjoining land, together with the finished floor levels of the proposed building(s), have been submitted and approved in writing by the Local Planning Authority. There shall be no variation in these levels without the written approval of the Local Planning Authority.

   Reason:- In order to ensure the satisfactory appearance of the development and its relationship to adjoining properties.

6. The development hereby permitted should not commence (with the exception of demolition) until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

   Reason:- This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

7. No development shall commence (with the exception of demolition) until details of the remediation works and any further remediation works/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been submitted to and approved in writing by the Local Planning Authority. The approved redemiation works shall be implemented on site in full in order to ensure that the site is made safe and stable for the development proposed prior to the first occupation of the development. The remedial works shall be carried out in accordance with authoritative UK guidance.

   Reason:- The undertaking of remedial measures, prior to the commencement of development, is considered to be necessary. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

8. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of the remedial works and any further remediation works/or mitigation necessary to address the risks posed by past coal mining activity.

   Reason:- The undertaking of remedial measures, prior to the commencement of

development, is considered to be necessary. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

9. The Reserved Matters application shall include full details of the following:
- Layout and disposition of access and buildings;
- Provision of parking, turning and servicing within the site curtilage;
- Means of surface water drainage;
- Surfacing materials.
The development shall thereafter be implemented in accordance with the approved details and be completed prior to first occupation of the development.

Reason:- To comply with NPPF paragraph 108; to comply with SMDC Core Strategy Policy DC1 and T1; in the interests of highway safety.

10. The Reserved Matters application shall include details of the minimum 2.4m x 43m visibility splays at all access points. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level and be provided in accordance with the approved plan prior to the development being brought into use.

Reason:- To comply with NPPF paragraph 108; to comply with SMDC Core Strategy Policy DC1 and T1; in the interests of highway safety.

11. The Reserved Matters application shall include details of the 2.4m x 43m visibility splay from Hammersley Hayes Road to the south across the site frontage. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level and be provided in accordance with the approved plan prior to the development being brought into use.

Reason:- To comply with NPPF paragraph 108; to comply with SMDC Core Strategy Policy DC1 and T1; in the interests of highway safety. To maintain visibility across the site frontage from the neighbouring junctions.

12. The Reserved Matters application shall include details of the 2.4m x 43m visibility splay from Foxfield Close to the north across the site frontage. The visibility splay shall thereafter be kept free of all obstructions to visibility over a height of 600 mm above the adjacent carriageway level and be provided in accordance with the approved plan prior to the development being brought into use.

Reason:- To comply with NPPF paragraph 108; to comply with SMDC Core Strategy Policy DC1 and T1; in the interests of highway safety. To maintain visibility across the site frontage from the neighbouring junctions.

13. Details pursuant of the Reserved Matters consent shall indicate the access to the site in a position such that it does not conflict with the adjacent bus stop.

Reason:- To comply with NPPF paragraph 108; to comply with SMDC Core Strategy Policy DC1 and T1; in the interests of highway safety. To ensure the adjacent bus stop can operate as a bus stop and maintain access for all users.

14. No phase of the development hereby permitted shall take place (except for works of site clearance and demolition) until a Construction and Environmental Method Statement for that phase of the site has been submitted to and approved in writing by the Local Planning Authority, which shall include the following details:-

    I. the method and duration of any pile driving operations (expected starting date and completion date);
    II. 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;
    III. pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;
    IV. the arrangements for prior notification to the occupiers of potentially affected properties;
    V. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
    VI. 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;
    VII. details of wheel washing facilities. All construction vehicles shall have their wheels cleaned before leaving the site;
    VIII. a scheme for recycling/disposal of waste resulting from the construction works;
    IX. the parking of vehicles of site operatives and visitors;
    X. the loading and unloading of plant and materials;
    XI. the storage of plant and materials used in constructing the development;
    XII. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
    XIII. installation and maintenance of wheel washing facilities, and,
    XIV. details of measures to protect the public footpaths and amenity of users of the pubic footpaths crossing the site during the construction works.
    XV. During construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary;
    XVI. the responsible person (e.g. site manager / office) who could be contacted in the event of complaint.

    All works shall be carried out in accordance with the approved details. Any alteration to this Plan shall be approved in writing by the Local Planning Authority prior to commencement of the alteration.

    Reason:- To protect the amenities of the area.

15. i. No development, shall take place (with the exception of demolition) until a site risk assessment has been undertaken to assess the nature and extent of any contamination on the site, in accordance with a scheme to be agreed with the Local Planning Authority. Once completed, a written report of the findings and recommendations shall be submitted and approved in writing by the Local Planning Authority.

    ii. If the site risk assessment (i) indicates that potential risks exist, development shall not

commence, until a detailed remediation strategy to mitigate the identified risks and ensure the site is remediated to a condition suitable for the intended use has been be submitted and approved in writing by the Local Planning Authority.
iii. The agreed remediation strategy (ii) shall be adhered to throughout the development.
iv. Following completion of the site remediation and prior to bringing the development into first use, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted and approved in writing by the Local Planning Authority.
v. If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

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.

16. 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 should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should 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.

17. Development shall not commence (with the exception of demolition) until a site specific scheme for protecting the approved 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 the ProPG: Planning & Noise (New Residential Development). It should 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 for its approval. The development shall be undertaken in strict accordance with the approved details.

    Reason:- To protect occupiers from noise and safeguard their residential amenities.

19. The Reserved Matters application shall include details of, and the location of, bin storage areas.

    Reason:- To ensure that suitable bin storage is provided on site.

20. The Reserved Matters application shall include details of the type and location of bat bricks, in accordance with the enhancements outlined in 'Table 5: Evaluation of Building on Site' on page 10 of the Bat Emergence and Re-Entry Surveys report dated 20 May 2021 and produced by Arbtech Consultants.

    Reason:- To ensure the development results in a net gain in biodiversity of the site.

Informatives

1. This is considered to be a sustainable form of development and so complies with the provisions of the NPPF (2019).

2. The layout, as shown on the Indicative Plans submitted with the Outline planning application, are not acceptable from a highways perspective and would be recommended for refusal by the County Highway Engineer should the Reserved Matters application follow such a layout.

3. The proposed site access works may 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 road.adoptions@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

4. Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: https://www.gov.uk/get-apermit-to-deal-with-a-coal-mine-on-your-property

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

• 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.

• 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

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 buildingcontrol@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.