

DELEGATED DECISION REPORT

SMD/2021/0427
Valid 02/07/2021

HAYES GATE FARM STAR
BANK
OAKAMoor

Variation of conditions 1, 2, 3, 4
and 6 of planning approval
reference number
SMD/2019/0187.

MAIN ISSUES

- Existing permissions on the site.

DESCRIPTION OF SITE

The application site is Hayes Gate Farm, Star Bank, Oakamoor. The site is accessed directly off Star Bank via a long and narrow, partly shared access track which runs past Hayes Gate Cottage at the junction. The site consists of the application building itself as well as a number of outbuildings. A Public footpath runs along the access track, to the north of the application site, over a stile and into the field/woodland beyond where it splits into two to take a north-easterly and south-easterly route. The application site is located within the open countryside but it does not have a Green Belt designation, does not lie within a Conservation Area and there are no listed buildings/structures nearby. The application building can be seen from Star Bank, it is some distance away but the undeveloped land between the building and the road allow for views of the site. It is noted that the residential conversion works are at an advanced stage.

PROPOSAL

The application is to vary a number of conditions attached to the approved SMD/2019/0187 scheme. The initial conversion works were allowed at appeal under application reference DET/2018/0002. The application has been amended since the initial submission with the applicant wishing to amend further conditions, these being conditions 1, 2, 3, 4 and 6.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan

SS1 Development Principles
DC1 Design Considerations
DC3 Landscape and Settlement Setting

Supplementary Planning Guidance

1. Design Principles for Development in the Staffordshire Moorlands

Supplementary Planning Document

1. Staffordshire Moorlands Design Guide

National Planning Policy Framework

Including sections;

- 2: Achieving sustainable development
- 12: Achieving well-designed places

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

DET/2017/0030	Change of use of agricultural building to dwelling house. Refused.
DET/2018/0002	Change of use of agricultural building to dwelling house. Refused and allowed at appeal.
NMA/2019/0023	Non material amendment in relation to SMD/2019/0187 for the deletion of approved roof-lights from scheme. Approved.
SMD/2019/0187	Variation of condition 1 relating to the appeal decision for DET/2018/0002. Approved.

CONSULTATIONS

Publicity

Site Notice expiry date: 10/08/2021.
Neighbour consultation period ends: 29/07/2021.

Public Comments: No representations received during the statutory consultation period.

Cotton Parish Council: No objections to the application.

OFFICER COMMENTS

The applicant wishes to vary conditions number 1, 2, 3, 4 and 6 of planning approval SMD/2019/0187 which was in itself an approved variation of condition application linking back to the allowed appeal DET/2018/0002. The relevant conditions are detailed as follows;

1. The development hereby permitted shall be completed before the 23rd October 2021 this date being the expiration of three years from the date of the allowed appeal permission (reference APP/B3438/W/18/3202031).

Reason:- To comply with the provisions of Class Q, Part 3 'Changes of Use' of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

*2. The development hereby approved shall be carried out in accordance with the following submitted plans and subject to the following conditions and/or modifications:-
1565-101; 1565-001 Rev A; 1565-003 Rev A.*

Reason:- For the avoidance of doubt and in the interests of proper planning and in

accordance with the National Planning Policy Framework.

3. The development hereby permitted shall not be occupied until details of all walls, fences and other means of enclosure as well as any hard landscaping have first been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the building on the site.

Reason:- *In the interests of visual amenity.*

4. Prior to first occupation of the development, landscaping and planting details shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall be fully implemented before the end of the first available dormant season (November to February inclusive) following first occupation 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:- *In the interests of visual amenity.*

6. 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 to and approved in writing by the Local Planning Authority. If soil results indicate that potential risks exist, development shall not continue until a detailed remediation strategy to bring the site to a condition suitable for the intended use has been prepared, submitted to and approved in writing by the Local Planning Authority.

Reason:- *In the interests of controlling potential contamination risks.*

The agent has supplied an email stating that the reasoning behind the need to vary the conditions was 'to allow for alterations to the approved application which have arisen as a result of difficulties sourcing materials, building delays due to the Pandemic and in order for the building to meet building regulation requirements. The proposed re-wording of the Conditions will allow the applicant to phase those elements of the proposed dwelling in a way that allows for greater input form and discussion with the Local Authority as well as sufficient time to source materials and labour to carry out the works.'

The wording of the revised conditions has been negotiated with the LPA to ensure that the substance of the original consent and subsequent amendment applications, has not been lost. The new conditions also wrap up previous amendments within the NMA/2019/0023 and SMD/2019/0187 approvals. Each of the amended conditions will have satisfactory 'trigger' points where necessary, and again these have been agreed with the agent.

CONCLUSION / PLANNING BALANCE

For the reasons outlined within the report, it is recommended that the application is approved.

OFFICER RECOMMENDATION : Approve

Case Officer: Lisa Jackson

Recommendation Date: 21/10/2021.

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council